

AMENDED IN ASSEMBLY JUNE 22, 2006

AMENDED IN ASSEMBLY JUNE 12, 2006

AMENDED IN SENATE MARCH 30, 2005

SENATE BILL

No. 162

Introduced by Senators Ortiz and Runner

(Principal coauthor: Senator Perata)

(Principal coauthors: Assembly Members Nakanishi and Richman)

(Coauthors: Senators Alquist, Kuehl, and Torlakson)

(Coauthors: Assembly Members Aghazarian, Berg, DeVore, Shirley Horton, Jones, Koretz, Lieber, Nava, Niello, and Sharon Runner)

February 8, 2005

~~An act to amend Section 12803 of the Government Code, to amend Sections 20, 21, 21.2, 475, 109277, 109282, 109910, 116275, 121030, and 121090 of, to amend and renumber the heading of Part 1 (commencing with Section 102100) of Division 102 of, to amend and renumber the heading of Part 1 (commencing with Section 104100) of Division 103 of, to amend and renumber the heading of Part 1 (commencing with Section 106500) of Division 104 of, to amend and renumber the heading of Part 1 (commencing with Section 120100) of Division 105 of, to amend and renumber the heading of Chapter 1 (commencing with Section 123100) of Part 1 of Division 106 of, to amend and renumber Section 100325 of, to add Sections 100325, 101001, and 113754 to, to add Chapter 1 (commencing with Section 123099) to Part 1 of Division 106 of, to add Part 1 (commencing with Section 102099) to Division 102 of, to add Part 1 (commencing with Section 104099) to Division 103 of, to add Part 1 (commencing with Section 106499) to Division 104 of, to add Part 1 (commencing with Section 120099) to Division 105 of, to add Division 112 (commencing with Section 131000) to, to repeal Sections 100115, 100117, 100119,~~

~~100180, 100182, 100185, 100190, 100195, 100200, 100205, 100210, 100225, 100230, 100235, 100236, 100290, and 100295 of, to repeal Article 2 (commencing with Section 100250) of Chapter 2 of Part 1 of Division 101 of, to repeal Article 3 (commencing with Section 100400) of Chapter 3 of Part 1 of Division 101 of, to repeal Part 2 (commencing with Section 100925) of Division 101 of, and to repeal and add Sections 100170 and 100175 of, the Health and Safety Code, and to add Section 24000.5 to the Welfare and Institutions Code, relating to public health. An act amend Sections 6253.4, 6254.18, 8169.5, 12803, and 12803.65 of, and to add Section 11554.5 to, the Government Code, and to amend Sections 20, 21, 21.2, 135, 136, 138.4, 151, 100100, 100105, 100170, 109277, and 109282 of, to amend and renumber Sections 100106, 100119, 100175, 100180, 100182, 100185, 100190, 100195, 100200, 100205, 100210, 100215, 100225, 100230, and 100235 of, to add Division 112 (commencing with Section 131000) to, and to repeal Sections 100117, 100125, and 100130 of, the Health and Safety Code, relating to health.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 162, as amended, Ortiz. State Department of Public Health.

Existing law establishes the scope of functions and responsibilities of the State Department of Health Services.

This bill would enact the California Public Health Act of 2006, which would establish the State Department of Public Health, to be headed by the State Health Officer to be appointed by the Governor, subject to confirmation by the Senate *and would rename the State Department of Health Services as the State Department of Health Care Services*. The bill would transfer the responsibility for certain programs from the State Department of Health Services to the State Department of Public Health, *would retain responsibility for the remaining programs within the renamed State Department of Health Care Services*, and would make conforming changes.

~~The bill~~

These provisions would become operative July 1, 2007.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. (a) This act shall be known and may be cited as
2 the California Public Health Act of 2006.

3 (b) (1) It is the intent of the Legislature, in enacting the act
4 adding this section, to establish the State Department of Public
5 Health *and rename the State Department of Health Services as*
6 *the State Department of Health Care Services.*

7 (2) It is the intent of the Legislature, in enacting the act adding
8 this section, that both of the following occur:

9 (A) All public health programs currently operated through the
10 existing State Department of Health Services be transferred to the
11 State Department of Public Health, without regard to whether or
12 not that public health program has been formally created by
13 statute.

14 (B) *The health purchasing programs will continue to be*
15 *operated by the State Department of Health Care Services, the*
16 *new name of the former State Department of Health Services.*

17 ~~(B)~~

18 (C) The Governor makes final decisions about the placement
19 of specific programs and offices that are not formally created by
20 statute or named in this act in a way that is consistent with the
21 intent of the Legislature in establishing the State Department of
22 Public Health and with the overall spirit of this act.

23 (c) For purposes of this section, “public health programs”
24 refers primarily to programs and functions that seek to prevent
25 illness and promote health, as compared to programs involving
26 either the direct delivery of health care services or the payment
27 for those services.

28 (d) By enacting this act that establishes the State Department
29 of Public Health *and the State Department of Health Care*
30 *Services*, it is the intent of the Legislature to do all of the
31 following:

32 (1) Elevate the visibility and importance of public health
33 issues in the policy arena.

34 (2) Increase accountability and improve program effectiveness
35 for the public health and health care purchasing functions of state
36 government.

37 (3) Promote the health status of Californians through programs
38 and policies that use populationwide interventions.

1 *SEC. 2. Section 6253.4 of the Government Code is amended*
2 *to read:*

3 6253.4. (a) Every agency may adopt regulations stating the
4 procedures to be followed when making its records available in
5 accordance with this section.

6 The following state and local bodies shall establish written
7 guidelines for accessibility of records. A copy of these guidelines
8 shall be posted in a conspicuous public place at the offices of
9 these bodies, and a copy of the guidelines shall be available upon
10 request free of charge to any person requesting that body's
11 records:

12 Department of Motor Vehicles
13 Department of Consumer Affairs
14 Department of Transportation
15 Department of Real Estate
16 Department of Corrections
17 Department of the Youth Authority
18 Department of Justice
19 Department of Insurance
20 Department of Corporations
21 Department of Managed Health Care
22 Secretary of State
23 State Air Resources Board
24 Department of Water Resources
25 Department of Parks and Recreation
26 San Francisco Bay Conservation and Development
27 Commission
28 State Board of Equalization
29 State Department of Health *Care* Services
30 Employment Development Department
31 *State Department of Public Health*
32 State Department of Social Services
33 State Department of Mental Health
34 State Department of Developmental Services
35 State Department of Alcohol and Drug Abuse
36 Office of Statewide Health Planning and Development
37 Public Employees' Retirement System
38 Teachers' Retirement Board
39 Department of Industrial Relations
40 Department of General Services

1 Department of Veterans Affairs
2 Public Utilities Commission
3 California Coastal Commission
4 State Water Resources Control Board
5 San Francisco Bay Area Rapid Transit District
6 All regional water quality control boards
7 Los Angeles County Air Pollution Control District
8 Bay Area Air Pollution Control District
9 Golden Gate Bridge, Highway and Transportation District
10 Department of Toxic Substances Control
11 Office of Environmental Health Hazard Assessment

12 (b) Guidelines and regulations adopted pursuant to this section
13 shall be consistent with all other sections of this chapter and shall
14 reflect the intention of the Legislature to make the records
15 accessible to the public. The guidelines and regulations adopted
16 pursuant to this section shall not operate to limit the hours public
17 records are open for inspection as prescribed in Section 6253.

18 *SEC. 3. Section 6254.18 of the Government Code is amended*
19 *to read:*

20 6254.18. (a) Nothing in this chapter shall be construed to
21 require disclosure of any personal information received,
22 collected, or compiled by a public agency regarding the
23 employees, volunteers, board members, owners, partners,
24 officers, or contractors of a reproductive health services facility
25 who have notified the public agency pursuant to subdivision (d)
26 if the personal information is contained in a document that relates
27 to the facility.

28 (b) For purposes of this section, the following terms have the
29 following meanings:

30 (1) “Contractor” means an individual or entity that contracts
31 with a reproductive health services facility for services related to
32 patient care.

33 (2) “Personal information” means the following information
34 related to an individual that is maintained by a public agency:
35 social security number, physical description, home address, home
36 telephone number, statements of personal worth or personal
37 financial data filed pursuant to subdivision (n) of Section 6254,
38 personal medical history, employment history, electronic mail
39 address, and information that reveals any electronic network
40 location or identity.

1 (3) “Public agency” means all of the following:

2 (A) The State Department of Health *Care* Services.

3 (B) The Department of Consumer Affairs.

4 (C) The Department of Managed Health Care.

5 (D) *The State Department of Public Health*.

6 (4) “Reproductive health services facility” means the office of
7 a licensed physician and surgeon whose specialty is family
8 practice, obstetrics, or gynecology, or a licensed clinic, where at
9 least 50 percent of the patients of the physician or the clinic are
10 provided with family planning or abortion services.

11 (c) Any person may institute proceedings for injunctive or
12 declarative relief or writ of mandate in any court of competent
13 jurisdiction to obtain access to employment history information
14 pursuant to Sections 6258 and 6259. If the court finds, based on
15 the facts of a particular case, that the public interest served by
16 disclosure of employment history information clearly outweighs
17 the public interest served by not disclosing the information, the
18 court shall order the officer or person charged with withholding
19 the information to disclose employment history information or
20 show cause why he or she should not do so pursuant to Section
21 6259.

22 (d) In order for this section to apply to an individual who is an
23 employee, volunteer, board member, officer, or contractor of a
24 reproductive health services facility, the individual shall notify
25 the public agency to which his or her personal information is
26 being submitted or has been submitted that he or she falls within
27 the application of this section. The reproductive health services
28 facility shall retain a copy of all notifications submitted pursuant
29 to this section. This notification shall be valid if it complies with
30 all of the following:

31 (1) Is on the official letterhead of the facility.

32 (2) Is clearly separate from any other language present on the
33 same page and is executed by a signature that serves no other
34 purpose than to execute the notification.

35 (3) Is signed and dated by both of the following:

36 (A) The individual whose information is being submitted.

37 (B) The executive officer or his or her designee of the
38 reproductive health services facility.

39 (e) The privacy protections for personal information
40 authorized pursuant to this section shall be effective from the

1 time of notification pursuant to subdivision (d) until either one of
2 the following occurs:

3 (1) Six months after the date of separation from a reproductive
4 health services facility for an individual who has served for not
5 more than one year as an employee, contractor, volunteer, board
6 member, or officer of the reproductive health services facility.

7 (2) One year after the date of separation from a reproductive
8 health services facility for an individual who has served for more
9 than one year as an employee, contractor, volunteer, board
10 member, or officer of the reproductive health services facility.

11 (f) Within 90 days of separation of an employee, contractor,
12 volunteer, board member, or officer of the reproductive health
13 services facility who has provided notice to a public agency
14 pursuant to subdivision (c), the facility shall provide notice of the
15 separation to the relevant agency or agencies.

16 (g) Nothing in this section shall prevent the disclosure by a
17 government agency of data regarding age, race, ethnicity,
18 national origin, or gender of individuals whose personal
19 information is protected pursuant to this section, so long as the
20 data contains no individually identifiable information.

21 *SEC. 4. Section 8169.5 of the Government Code is amended*
22 *to read:*

23 8169.5. (a) In furtherance of the Capitol Area Plan, the
24 objectives of Resolution Chapter 131 of the Statutes of 1991, and
25 the legislative findings and declarations contained in Chapter 193
26 of the Statutes of 1996, relative to the findings by the Urban
27 Land Institute, the director may purchase, exchange, or otherwise
28 acquire real property and construct facilities, including any
29 improvements, betterments, and related facilities, within the
30 jurisdiction of the Capitol Area Plan in the City of Sacramento
31 pursuant to this section. The total authorized scope of the project
32 shall consist of up to approximately 1,470,200 gross square feet
33 of office space and approximately 742,625 gross square feet of
34 parking structures for use by the State Department of Education,
35 the State Department of Health Services, and the Department of
36 General Services as anchor tenants on blocks 171, 172, 173, 174,
37 and 225, along with related additional parking on block 224,
38 within the Capitol area. The acquisition and construction
39 authorized pursuant to this section may not cause the
40 displacement of any state or legislative employee parking spaces

1 in the blocks specified in this subdivision unless the Department
2 of General Services makes available existing state-owned
3 parking spaces, acquires parking spaces, or constructs
4 replacement parking that results in the affected employees'
5 parking spaces being located at a reasonable distance from their
6 place of employment.

7 (b) Subject to paragraphs (2) and (3) of subdivision (c), the
8 department may contract for the lease, lease-purchase, lease with
9 an option to purchase, acquisition, design, design-build,
10 construction, construction management, and other services
11 related to the design and construction of the office and parking
12 facilities authorized to be acquired pursuant to subdivision (a).

13 (c) (1) The State Public Works Board may issue revenue
14 bonds, negotiable notes, or negotiable bond anticipation notes
15 pursuant to Chapter 5 (commencing with Section 15830) of Part
16 10b of Division 3 to finance all costs associated with acquisition,
17 design, and construction of office and parking facilities for the
18 purposes of this section. The State Public Works Board and the
19 department may borrow funds for project costs from the Pooled
20 Money Investment Account pursuant to Sections 16312 and
21 16313. In the event the bonds authorized by the project are not
22 sold, the State Department of Education, the State Department of
23 Health Care Services, *the State Department of Public Health*,
24 and the Department of General Services, as determined by the
25 Department of Finance, shall commit a sufficient amount of their
26 support appropriations to repay any loans made for the project
27 from the Pooled Money Investment Account. It is the intent of
28 the Legislature that this commitment shall be included in future
29 Budget Acts until all outstanding loans from the Pooled Money
30 Investment Account are repaid either through the proceeds from
31 the sale of bonds or from an appropriation.

32 (2) (A) If the department proposes to acquire the facilities on
33 a design-build basis, prior to the department entering into an
34 agreement pursuant to subdivision (b) to design and build the
35 facilities on blocks 171, 172, 173, 174, and 225, as specified in
36 subdivision (a), the department shall submit to the Legislature a
37 copy of all documents that shall be the basis upon which bids
38 will be solicited and awarded to design and build the facilities.
39 The documents shall include the following:

40 (i) The request for qualifications.

1 (ii) Site development guidelines.

2 (iii) Architectural and all system design requirements for the
3 facilities.

4 (iv) Notwithstanding any other provision of law, the
5 recommended specific criteria and process by which the
6 contractor shall be selected.

7 (v) The performance criteria and standards for the architecture
8 and all components and systems of the facilities.

9 (B) The information in the documents shall be provided in at
10 least as much detail as was prepared for the San Francisco Civic
11 Center Complex project and shall cover the quality of materials,
12 equipment, and workmanship to be used in the facilities. These
13 documents shall also include a detailed and specific space
14 program for the facilities that identifies the specific spatial needs
15 of the state agencies.

16 (C) If the department proceeds to acquire the facilities on a
17 design-build basis, in addition to any other requirements imposed
18 pursuant to this section, notwithstanding Section 7550.5, the
19 department shall provide the Legislature, beginning on July 1,
20 1999, and every three months thereafter until the facilities are
21 completed, with a status report that includes information
22 regarding any benefits that the state may have realized from use
23 of the design-build approach, any problems that have been
24 encountered from the use of a design-build approach, and lessons
25 learned that may be applied to a future project. The department
26 shall issue a final report when the facilities are completed.

27 (D) If the department proposes to contract for construction
28 separate from design, the department shall, prior to commencing
29 work on working drawings for the facilities on blocks 171, 172,
30 173, 174, and 225, submit to the Legislature a copy of the
31 preliminary plans for the facilities and a detailed and specific
32 space program for the facilities that identifies the specific spatial
33 needs of the state agencies.

34 (E) Regardless of how the department proposes to acquire the
35 facilities, the department also shall submit all of the following
36 information, which may be included in the bid documents:

37 (i) A final estimated cost for design, construction, and other
38 costs.

39 (ii) How the department would manage the contracts entered
40 into for this project to ensure compliance with contract

1 requirements and to ensure that the state receives the highest
2 level of quality workmanship and materials for the funds spent
3 on the project.

4 (3) Except for the reports specified in subparagraph (C) of
5 paragraph (2), the department shall submit to the Legislature the
6 information required to be submitted pursuant to paragraphs (2)
7 and (6) on or before December 1, 1998. Except for those
8 contracts and agreements necessary to prepare the information
9 required by paragraphs (2) and (6), the department shall not
10 solicit bids to enter into any agreement to design and build or
11 otherwise acquire the facilities or commence work on working
12 drawings on block 171, 172, 173, 174, or 225 sooner than the
13 later of April 1, 1999, or 120 days after the department submits
14 to the Legislature the information required to be submitted
15 pursuant to paragraphs (2) and (6). The Legislative Analyst shall
16 evaluate the information submitted to the Legislature and shall
17 prepare a report to the Joint Committee on Rules within 60 days
18 of receiving the documents submitted to the Legislature. It is the
19 intent of the Legislature that the Joint Committee on Rules meet
20 prior to the date the department is authorized to solicit bids to
21 design and build or otherwise acquire the facilities or commence
22 work on working drawings for the purposes of discussing the
23 report from the Legislative Analyst and adopting a report with
24 any recommendations to the department on changes to the site
25 design criteria, performance criteria, and specifications and
26 specific criteria for determining the winning bidder. If the Joint
27 Committee on Rules adopts a report prior to the date the
28 department is authorized to solicit bids to design and build or
29 otherwise acquire the facilities or commence work on working
30 drawings, the department may solicit the bids or commence the
31 work when the report is adopted by the Joint Committee on
32 Rules. The Senate Committee on Rules and the Speaker of the
33 Assembly may designate members of their respective houses to
34 monitor the progress of the preparation of the documents to be
35 submitted pursuant to paragraph (2). The department shall
36 prepare periodic progress reports and meet with the designated
37 members or their representatives, as necessary, while preparing
38 the documents.

39 (4) The amount of revenue bonds, negotiable notes, or
40 negotiable bond anticipation notes to be sold may equal, but shall

1 not exceed, the cost of planning, preliminary plans, working
2 drawings, construction, construction management and
3 supervision, other costs relating to the design and construction of
4 the facilities, and any additional sums necessary to pay interim
5 and permanent financing costs. The additional amount may
6 include interest and a reasonable required reserve fund.

7 (5) Authorized costs of the facilities for preliminary plans,
8 working drawings, construction, and other costs shall not exceed
9 three hundred ninety-two million dollars (\$392,000,000).
10 Notwithstanding Section 13332.11, the State Public Works Board
11 may authorize the augmentation of the amount authorized under
12 this paragraph by up to 10 percent of the amount authorized.

13 (6) The net present value of the cost to acquire and operate the
14 facilities authorized by subdivision (a) may not exceed the net
15 present value of the cost to lease and operate an equivalent
16 amount of comparable office space over the same time period.
17 The department shall perform this analysis and shall obtain
18 interest rates, discount rates, and Consumer Price Index figures
19 from the Treasurer and submit its analysis with the documents
20 submitted pursuant to paragraph (2) of subdivision (c). For
21 purposes of this analysis, the department shall compare the cost
22 of acquiring and operating the proposed facilities with the
23 avoided cost of leasing and operating an equivalent amount of
24 comparable office space that will no longer need to be leased
25 because either (A) agencies will no longer occupy currently
26 leased facilities when they occupy the proposed facilities, or (B)
27 agencies will no longer occupy currently leased facilities when
28 they occupy state-owned space being vacated by state agencies
29 occupying the proposed facilities. The analysis shall also include
30 the cost of any unique improvement associated with the moving
31 of an agency into any state-owned space that would be vacated
32 by agencies moving into the proposed facilities. However, these
33 costs shall not include the cost of renovating or modernizing
34 vacated state-owned space that is necessary to accommodate
35 state agencies in general purpose office space. This paragraph
36 shall not be construed as authorizing any renovation of
37 state-owned space.

38 (d) The director may execute and deliver a contract with the
39 State Public Works Board for the lease of the facilities described
40 in this section that are financed with the proceeds of the board's

1 bonds, notes, or bond anticipation notes issued in accordance
2 with this section.

3 *SEC. 5. Section 11554.5 is added to the Government Code, to*
4 *read:*

5 *11554.5. Effective July 1, 2007, an annual salary of two*
6 *hundred twenty-two thousand dollars (\$222,000) shall be paid to*
7 *the State Public Health Officer. The annual compensation*
8 *provided by this section shall be increased in any fiscal year in*
9 *which a general salary increase is provided for state employees.*
10 *The amount of the increase provided by this section shall be*
11 *comparable to, but shall not exceed, the percentage of the*
12 *general salary increases provided for state employees during*
13 *that fiscal year.*

14 ~~SEC. 2:~~

15 *SEC. 6. Section 12803 of the Government Code is amended*
16 *to read:*

17 12803. (a) The California Health and Human Services
18 Agency consists of the following departments: Health Care
19 Services; Mental Health; Developmental Services; Public Health;
20 Social Services; Alcohol and Drug Abuse; Aging; Rehabilitation;
21 and Community Services and Development.

22 (b) The agency also includes the Office of Statewide Health
23 Planning and Development and the State Council on
24 Developmental Disabilities.

25 (c) The Department of Child Support Services is hereby
26 created within the agency commencing January 1, 2000, and
27 shall be the single organizational unit designated as the state's
28 Title IV-D agency with the responsibility for administering the
29 state plan and providing services relating to the establishment of
30 paternity or the establishment, modification, or enforcement of
31 child support obligations as required by Section 654 of Title 42
32 of the United States Code. State plan functions shall be
33 performed by other agencies as required by law, by delegation of
34 the department, or by cooperative agreements.

35 *SEC. 7. Section 12803.65 of the Government Code is*
36 *amended to read:*

37 12803.65. (a) The Governor shall rename and establish, in
38 the Labor and Workforce Development Agency, the existing
39 California Governor's Committee on Employment of Disabled

1 Persons as the “California Governor’s Committee on
2 Employment of People with Disabilities” or “CGCEPD.”

3 (b) (1) The California Governor’s Committee on Employment
4 of People with Disabilities shall include, but not be limited to, the
5 following:

6 (A) Four individuals with disabilities representing disabled
7 persons, two appointed by the Governor and one each appointed
8 by the Senate Committee on Rules and the Speaker of the
9 Assembly, each for a three-year term.

10 (B) The Directors of the Employment Development
11 Department, State Department of Health *Care* Services, *State*
12 *Department of Public Health*, State Department of Mental
13 Health, State Department of Developmental Services, State
14 Department of Social Services, and Department of
15 Rehabilitation, and the Chair of the State Independent Living
16 Council.

17 (C) Representatives from the State Department of Health *Care*
18 Services’ California Health Incentive Improvement Project.

19 (D) A representative from the California Workforce
20 Investment Board.

21 (E) Representatives from any other department or program
22 that may have a role in increasing the capacity of state programs
23 to support the employment-related needs of individuals with
24 disabilities.

25 (F) A representative from a local one-stop or local workforce
26 investment board, to be appointed by the Governor.

27 (G) A business representative with experience in employing
28 persons with disabilities, to be appointed by the Governor.

29 (2) The members of the California Governor’s Committee on
30 Employment of People with Disabilities shall select a chair from
31 among the members, and shall hold open meetings no less than
32 quarterly.

33 (c) The California Governor’s Committee on Employment of
34 People with Disabilities shall consult with and advise the Labor
35 and Workforce Development Agency and the California Health
36 and Human Services Agency on all issues related to full
37 inclusion in the workforce of persons with disabilities, including
38 development of the comprehensive strategy required pursuant to
39 Section 12803.6 and implementation of the grant program
40 established pursuant to Section 12803.7.

(d) The California Governor's Committee on Employment of People with Disabilities shall also:

(1) Coordinate and provide leadership, as necessary, with regard to efforts to increase inclusion in the workforce of persons with disabilities.

(2) Report annually to the Legislature and the Governor on the employment status of Californians with disabilities.

(e) The California Governor's Committee on Employment of People with Disabilities shall provide support to the State Workforce Investment Board and the local one-stop centers in their efforts to achieve full compliance with Sections 18002, 18004, 18006, and 18008 of the Unemployment Insurance Code, and shall identify the extent to which any one-stops are not in full compliance with those sections and the reasons for the lack of compliance, including the need for additional resources.

(f) The California Governor's Committee on Employment of People with Disabilities shall meet quarterly with the California Health Incentive Improvement Project, administered by the State Department of Health Services, and the project's steering committee, to the extent funding for the project continues and the activities of the California Governor's Committee on Employment of People with Disabilities are not inconsistent with the charge of the California Health Incentive Improvement Project.

(g) Using existing funding, the California Governor's Committee on Employment of People with Disabilities shall facilitate, promote, and coordinate collaborative dissemination of information on employment supports and benefits, which shall include the Ticket to Work program and health benefits, to individuals with disabilities, consumers of public services, employers, service providers, and state and local agency staff.

(h) Using existing funding, the California Governor's Committee on Employment of People with Disabilities shall receive primary administrative and staff support from the State Employment Development Department.

~~SEC. 2.1.~~

SEC. 8. Section 20 of the Health and Safety Code is amended to read:

20. ~~(a)~~—"State department" or "department" means State Department of Health Services. *Commencing July 1, 2007, any*

1 *reference to the former State Department of Health Services*
2 *regarding a function vested by Section 113050 in the State*
3 *Department of Public Health is deemed to, instead, refer to the*
4 *State Department of Public Health, and any reference to the*
5 *former State Department of Health Services regarding a function*
6 *not vested by Section 113050 in the State Department of Public*
7 *Health is deemed to, instead, refer to the State Department of*
8 *Health Care Services.*

9 ~~(b) For purposes of Chapter 1 (commencing with Section~~
10 ~~1200), Chapter 2 (commencing with Section 1250), Chapter 2.05~~
11 ~~(commencing with Section 1339.63), Chapter 2.3 (commencing~~
12 ~~with Section 1400), Chapter 2.4 (commencing with Section~~
13 ~~1417), Chapter 4.1 (commencing with Section 1635), Chapter 5~~
14 ~~(commencing with Section 1650), Chapter 8 (commencing with~~
15 ~~Section 1725), Chapter 8.3 (commencing with Section 1743),~~
16 ~~Chapter 8.5 (commencing with Section 1745), Chapter 8.6~~
17 ~~(commencing with Section 1760), Chapter 9 (commencing with~~
18 ~~Section 1765.101, and Chapter 11 (commencing with Section~~
19 ~~1794.01) of Division 2, any reference to “state department,”~~
20 ~~“department,” or the “State Department of Health Services” shall~~
21 ~~refer to the State Department of Public Health.~~

22 ~~SEC. 2.2.~~

23 ~~SEC. 9.~~ Section 21 of the Health and Safety Code is amended
24 to read:

25 21. (a) “Director” means “State Director of Health Services.”
26 *Commencing July 1, 2007, any reference to the former state*
27 *Director of Health Services regarding a function vested by*
28 *Section 113050 in the State Department of Public Health is*
29 *deemed to, instead, refer to the State Public Health Officer.*

30 ~~(b) For purposes of Chapter 1 (commencing with Section~~
31 ~~1200), Chapter 2 (commencing with Section 1250), Chapter 2.05~~
32 ~~(commencing with Section 1339.63), Chapter 2.3 (commencing~~
33 ~~with Section 1400), Chapter 2.4 (commencing with Section~~
34 ~~1417), Chapter 4.1 (commencing with Section 1635), Chapter 5~~
35 ~~(commencing with Section 1650), Chapter 8 (commencing with~~
36 ~~Section 1725), Chapter 8.3 (commencing with Section 1743),~~
37 ~~Chapter 8.5 (commencing with Section 1745), Chapter 8.6~~
38 ~~(commencing with Section 1760), Chapter 9 (commencing with~~
39 ~~Section 1765.101, and Chapter 11 (commencing with Section~~

1 ~~1794.01) of Division 2, any reference to “director” shall mean~~
2 ~~the State Health Officer as described in Section 131105.~~

3 ~~SEC. 2.3.~~

4 ~~SEC. 10.~~ Section 21.2 is added to the Health and Safety Code,
5 to read:

6 21.2. (a) The reorganization of the State Department of
7 Health Services pursuant to Sections 20 and 21 shall be budget
8 neutral and no additional funding shall be appropriated to the
9 State Department of Public Health or to the State Department of
10 Health Services as a result of this reorganization.

11 (b) This act shall be implemented without the additional
12 appropriation of funds. However, the Legislature finds and
13 declares that to implement this act, funding adjustments may be
14 required to align appropriation authority and to provide for
15 anticipated expenditures to the appropriate funding sources.

16 (c) The budget for the State Department of Public Health and
17 the State Department of Health Services shall be proposed and
18 considered in the process for review of the annual Budget Act.

19 ~~SEC. 3.~~ ~~Section 475 of the Health and Safety Code is~~
20 ~~amended to read:~~

21 ~~475. (a) (1) The State Department of Public Health shall~~
22 ~~establish a permanent Office of Binational Border Health to~~
23 ~~facilitate cooperation between health officials and health~~
24 ~~professionals in California and Mexico, to reduce the risk of~~
25 ~~disease in the California border region, and in those areas directly~~
26 ~~affected by border health conditions.~~

27 ~~(2) The department shall administer the office, and shall seek~~
28 ~~available public or private funding, or both, to support the~~
29 ~~activities of the office.~~

30 ~~(b) The Office of Binational Border Health shall convene a~~
31 ~~voluntary community advisory group of representatives of border~~
32 ~~community-based stakeholders to develop a strategic plan with~~
33 ~~short-term, intermediate, and long-range goals and~~
34 ~~implementation actions. The advisory group shall include no~~
35 ~~more than 12 California representatives. The advisory group shall~~
36 ~~include, but not be limited to, members from local government,~~
37 ~~hospitals, health plans, community-based organizations,~~
38 ~~universities, Los Angeles, San Diego, and Imperial County health~~
39 ~~departments, and a representative from an association of local~~
40 ~~health officers specializing in border health issues. The office~~

1 shall invite and request appropriate participation from
2 representatives of the Baja California health department and
3 other Mexican health departments affected by border health
4 issues. Recommendations resulting from the strategic plan shall
5 be developed and shared in consultation with the California
6 appointees to the United States-Mexico Border Health
7 Commission established pursuant to Section 290n of Title 22 of
8 the United States Code, including the Director of Public Health.
9 The office shall prepare an annual border health status report, and
10 shall submit it to the Director of Public Health, the Legislature,
11 and the Governor.

12 SEC. 4. ~~Section 100115 of the Health and Safety Code is~~
13 ~~repealed.~~

14 SEC. 11. *Section 135 of the Health and Safety Code is*
15 *amended to read:*

16 135. The Office of Women's Health is hereby established
17 within the State Department of Health Care Services. For
18 purposes of this chapter, "office" means the Office of Women's
19 Health.

20 SEC. 11.5. *Section 136 of the Health and Safety Code is*
21 *amended to read:*

22 136. (a) The Health and Welfare Agency shall establish an
23 interagency task force on women's health composed of
24 representatives of the State Department of Health Care Services,
25 *the State Department of Public Health*, the State Department of
26 Developmental Services, the State Department of Social
27 Services, the State Department of Alcohol and Drug Programs,
28 and the Major Risk Medical Insurance Program.

29 (b) The State Department of Education, the Department of
30 Housing and Community Development, the office of the
31 Attorney General, the State Department of Mental Health, and
32 the Department of Corrections may participate with the
33 interagency task force on women's health when necessary to
34 implement the state strategy developed pursuant to Section 137.

35 SEC. 12. *Section 138.4 of the Health and Safety Code is*
36 *amended to read:*

37 138.4. (a) The State Department of Health Care Services
38 *and the State Department of Public Health* shall place priority on
39 providing information to consumers, patients, and health care
40 providers regarding women's gynecological cancers, including,

1 signs and symptoms, risk factors, the benefits of early detection
2 through appropriate diagnostic testing, and treatment options.

3 (b) The information may include, but is not limited to, the
4 following elements:

5 (1) Educational and informational materials in print, audio,
6 video, electronic, or other media.

7 (2) Public service announcements and advertisements.

8 (c) (1) ~~The~~*Each* department may produce or contract with
9 others to develop the materials described in this section as the
10 director *of each department* deems appropriate, or may survey
11 available publications from, among other sources, the National
12 Cancer Institute and the American Cancer Society, and may
13 collect and formulate a distribution plan and disseminate these
14 publications according to the plan. These materials may be made
15 available to the public free of charge and may include
16 distribution through the Medical Board of California, as well as
17 through other sources according to the distribution plan.

18 (2) ~~The~~*Each* department may require, as it deems appropriate,
19 health care providers to make these materials available to
20 patients.

21 (d) In exercising the powers under this section, ~~the office~~ *each*
22 *department* shall consult with appropriate health care
23 professionals and providers, consumers, and patients, or
24 organizations representing them.

25 (e) ~~The~~*Each* department may appoint a Women's
26 Gynecological Cancer Information Advisory Council which may
27 include representation from health care professionals and
28 providers, consumers, patients, and other appropriate interests.
29 Members of ~~the~~ *each* council shall receive no compensation for
30 their services, but shall be allowed their actual and necessary
31 expenses incurred in the performance of their duties.

32 (f) ~~The department's~~ *departments'* duties pursuant to this
33 section are contingent upon the department receiving funds
34 appropriated for this purpose.

35 (g) ~~The~~*Each* department may adopt any regulations necessary
36 and appropriate for ~~the~~ *that department's* implementation of this
37 section.

38 *SEC. 13. Section 151 of the Health and Safety Code is*
39 *amended to read:*

1 151. (a) The Office of Multicultural Health is hereby
2 established within the State Department of Health Care Services.

3 (b) For purposes of this chapter:

4 (1) “Department” means the State Department of Health Care
5 Services.

6 (2) “Office” means the Office of Multicultural Health.

7 *SEC. 14. Section 100100 of the Health and Safety Code is*
8 *amended to read:*

9 100100. There is in the state government in the Health and
10 ~~Welfare Human Services Agency~~, a State Department of Health
11 Services which, effective July 1, 2007, shall be renamed the State
12 Department of Health Care Services. Commencing July 1, 2007,
13 any reference in this chapter, in Chapter 1.5, or in Article 1 of
14 Chapter 2 of this part to the State Department of Health Services
15 is deemed to, instead, refer to the State Department of Health
16 Care Services with regard to functions not transferred to the
17 State Department of Public Health. Commencing July 1, 2007,
18 all the duties, powers, purposes, responsibilities, and jurisdiction
19 of the State Department of Health Services not vested in the State
20 Department of Public Health pursuant to Section 113050 shall
21 thereafter be performed by the State Department of Health Care
22 Services.

23 *SEC. 15. Section 100105 of the Health and Safety Code is*
24 *amended to read:*

25 100105. The department is under the control of an executive
26 officer known as the Director of Health Services, who shall be
27 appointed by the Governor, subject to confirmation by the
28 Senate, and hold office at the pleasure of the Governor. The
29 director shall receive the annual salary provided by Article 1
30 (commencing with Section 11550) of Chapter 6 of Part 1 of
31 Division 3 of Title 2 of the Government Code. Commencing July
32 1, 2007, the Director of Health Services shall, thereafter, be
33 known as the Director of Health Care Services.

34 Upon recommendation of the director, the Governor may
35 appoint not to exceed two chief deputies of the department who
36 shall hold office at the pleasure of the Governor. The salaries of
37 the chief deputies shall be fixed in accordance with law.

38 *SEC. 16. Section 100106 of the Health and Safety Code is*
39 *amended and renumbered to read:*

1 ~~100106.~~

2 ~~120155.~~ Pursuant to Section 11158 of the Government Code,
3 the sheriff of each county, or city and county, may enforce within
4 the county, or the city and county, all orders of the State
5 Department of *Public Health Services* issued for the purpose of
6 preventing the spread of any contagious, infectious, or
7 communicable disease. Every peace officer of every political
8 subdivision of the county, or city and county, may enforce within
9 the area subject to his or her jurisdiction all orders of the State
10 Department of *Public Health Services* issued for the purpose of
11 preventing the spread of any contagious, infectious, or
12 communicable disease. This section is not a limitation on the
13 authority of peace officers or public officers to enforce orders of
14 the State Department of *Public Health Services*. When deciding
15 whether to request this assistance in enforcement of its orders,
16 the State Department of *Public Health Services* may consider
17 whether it would be necessary to advise the enforcement agency
18 of any measures that should be taken to prevent infection of the
19 enforcement officers.

20 ~~SEC. 5.~~

21 ~~SEC. 17.~~ Section 100117 of the Health and Safety Code is
22 repealed.

23 ~~SEC. 6.~~ Section 100119 of the Health and Safety Code is
24 repealed.

25 ~~SEC. 7.~~ Section 100170 of the Health and Safety Code is
26 repealed.

27 ~~SEC. 8.~~ Section 100170 is added to the Health and Safety
28 Code, to read:

29 ~~100170.~~ The department may commence and maintain all
30 proper and necessary actions and proceedings to enforce its
31 regulations. It may defend all actions and proceedings involving
32 its powers and duties. In all actions and proceedings it shall sue
33 and be sued under the name of the department.

34 ~~SEC. 9.~~ Section 100175 of the Health and Safety Code is
35 repealed.

36 ~~SEC. 10.~~ Section 100175 is added to the Health and Safety
37 Code, to read:

38 ~~100175.~~ All grants or donations of money received by the
39 state from sources other than the United States, the expenditure
40 of which is administered through or under the direction of the

1 department, shall, on order of the Controller, be deposited in the
2 Special Deposit Fund, subject to Article 2 (commencing with
3 Section 16370) of Chapter 2 of Part 2 of Division 4 of Title 2 of
4 the Government Code. The Controller shall designate, by name,
5 separate accounts within the Special Deposit Fund covering the
6 accountability for each class of grant or donation deposited
7 pursuant to this section; and the department and the Controller
8 shall keep a record of the classes and sources of income
9 deposited in, or transferred to, each of the accounts in the Special
10 Deposit Fund, and of the disbursements therefrom.

11 All moneys deposited in the Special Deposit Fund pursuant to
12 this section shall be available, without regard to fiscal years, for
13 expenditure for the purposes for which the money was made
14 available to the state.

15 SEC. 11. Section 100180 of the Health and Safety Code is
16 repealed.

17 SEC. 12. Section 100182 of the Health and Safety Code is
18 repealed.

19 SEC. 13. Section 100185 of the Health and Safety Code is
20 repealed.

21 SEC. 14. Section 100190 of the Health and Safety Code is
22 repealed.

23 SEC. 15. Section 100195 of the Health and Safety Code is
24 repealed.

25 SEC. 16. Section 100200 of the Health and Safety Code is
26 repealed.

27 SEC. 17. Section 100205 of the Health and Safety Code is
28 repealed.

29 SEC. 18. Section 100210 of the Health and Safety Code is
30 repealed.

31 SEC. 19. Section 100225 of the Health and Safety Code is
32 repealed.

33 SEC. 20. Section 100230 of the Health and Safety Code is
34 repealed.

35 SEC. 21. Section 100235 of the Health and Safety Code is
36 repealed.

37 SEC. 22. Section 100236 of the Health and Safety Code is
38 repealed.

1 ~~SEC. 23. Article 2 (commencing with Section 100250) of~~
2 ~~Chapter 2 of Part 1 of Division 101 of the Health and Safety~~
3 ~~Code is repealed.~~

4 ~~SEC. 24. Section 100290 of the Health and Safety Code is~~
5 ~~repealed.~~

6 ~~SEC. 25. Section 100295 of the Health and Safety Code is~~
7 ~~repealed.~~

8 ~~SEC. 26. Section 100325 of the Health and Safety Code is~~
9 ~~amended and renumbered to read:~~

10 ~~100326. The department shall cause special investigations of~~
11 ~~the sources of morbidity and mortality and the effects of~~
12 ~~localities, employments, conditions and circumstances on the~~
13 ~~public health and the department shall perform other duties as~~
14 ~~may be required in procuring information for state and federal~~
15 ~~agencies regarding the effects of these conditions on the public~~
16 ~~health.~~

17 ~~SEC. 27. Section 100325 is added to the Health and Safety~~
18 ~~Code, to read:~~

19 ~~100325. For purposes of this article, “department” means the~~
20 ~~State Department of Public Health.~~

21 ~~SEC. 28. Article 3 (commencing with Section 100400) of~~
22 ~~Chapter 3 of Part 1 of Division 101 of the Health and Safety~~
23 ~~Code is repealed.~~

24 ~~SEC. 29. Part 2 (commencing with Section 100925) of~~
25 ~~Division 101 of the Health and Safety Code is repealed.~~

26 ~~SEC. 30. Section 101001 is added to the Health and Safety~~
27 ~~Code, to read:~~

28 ~~101001. For purposes of this part, “department” or “State~~
29 ~~Department of Health Services” means the State Department of~~
30 ~~Public Health.~~

31 ~~SEC. 31. Part 1 (commencing with Section 102099) is added~~
32 ~~to Division 102 of the Health and Safety Code, to read:~~

33 ~~PART 1. GENERAL PROVISIONS~~

34
35
36 ~~102099. For purposes of this division, “department” or “State~~
37 ~~Department of Health Services” means the State Department of~~
38 ~~Public Health.~~

1 ~~SEC. 32. The heading of Part 1 (commencing with Section~~
2 ~~102100) of Division 102 of the Health and Safety Code is~~
3 ~~amended and renumbered to read:~~

4
5 ~~PART 1.5. VITAL RECORDS~~
6

7 ~~SEC. 33. Part 1 (commencing with Section 104099) is added~~
8 ~~to Division 103 of the Health and Safety Code, to read:~~

9
10 ~~PART 1. GENERAL PROVISIONS~~
11

12 ~~104099. For purposes of this division, “department” or “State~~
13 ~~Department of Health Services” means the State Department of~~
14 ~~Public Health.~~

15 ~~SEC. 34. The heading of Part 1 (commencing with Section~~
16 ~~104100) of Division 103 of the Health and Safety Code is~~
17 ~~amended and renumbered to read:~~

18
19 ~~PART 1.5. CHRONIC DISEASE~~
20

21 ~~SEC. 35. Part 1 (commencing with Section 106499) is added~~
22 ~~to Division 104 of the Health and Safety Code, to read:~~

23
24 ~~PART 1. GENERAL PROVISIONS~~
25

26 ~~106499. For purposes of this division, “department” or “State~~
27 ~~Department of Health Services” means the State Department of~~
28 ~~Public Health.~~

29 ~~SEC. 36. The heading of Part 1 (commencing with Section~~
30 ~~106500) of Division 104 of the Health and Safety Code is~~
31 ~~amended and renumbered to read:~~

32
33 ~~PART 1.5. ENVIRONMENTAL HEALTH PERSONNEL~~
34

35 ~~SEC. 37. Section 109277 of the Health and Safety Code is~~
36 ~~amended to read:~~

37 ~~109277. (a) Every person or entity who owns or operates a~~
38 ~~health facility or a clinic, or who is licensed as a physician and~~
39 ~~surgeon and rents or owns the premises where his or her practice~~
40 ~~is located, shall cause a sign or notice to be posted where a~~

1 ~~physician and surgeon performs breast cancer screening or~~
2 ~~biopsy as an outpatient service, or in a reasonably proximate area~~
3 ~~to where breast cancer screening or biopsy is performed. A sign~~
4 ~~or notice posted at the patient registration area of the health~~
5 ~~facility, clinic, or physician and surgeon's office shall constitute~~
6 ~~compliance with this section.~~

7 (b) ~~The sign or notice shall read as follows:~~

8
9 **~~“BE INFORMED”~~**

10
11 ~~“If you are a patient being treated for any form of breast~~
12 ~~cancer, or prior to performance of a biopsy for breast cancer,~~
13 ~~your physician and surgeon is required to provide you a written~~
14 ~~summary of alternative efficacious methods of treatment,~~
15 ~~pursuant to Section 109275 of the California Health and Safety~~
16 ~~Code.”~~

17 -

18 ~~—“The information about methods of treatment was developed~~
19 ~~by the State Department of Public Health to inform patients of~~
20 ~~the advantages, disadvantages, risks, and descriptions of~~
21 ~~procedures.”~~

22 —
23 (e) ~~The sign shall be not less than eight and one-half inches by~~
24 ~~11 inches and shall be conspicuously displayed so as to be~~
25 ~~readable. The words “BE INFORMED” shall not be less than~~
26 ~~one-half inch in height and shall be centered on a single line with~~
27 ~~no other text. The message on the sign shall appear in English,~~
28 ~~Spanish, and Chinese.~~

29 SEC. 38. ~~Section 109282 of the Health and Safety Code is~~
30 ~~amended to read:~~

31 ~~109282. (a) Every person or entity who owns or operates a~~
32 ~~health facility or a clinic, or who is licensed as a physician and~~
33 ~~surgeon and rents or owns the premises where his or her practice~~
34 ~~is located, shall cause a sign or notice to be posted where prostate~~
35 ~~cancer screening or treatment is performed by any physician and~~
36 ~~surgeon, or in a reasonably proximate area to where prostate~~
37 ~~cancer screening or treatment is performed. A sign or notice~~
38 ~~posted at the patient registration area of the health facility, clinic,~~
39 ~~or physician and surgeon's office shall constitute compliance~~
40 ~~with this section.~~

1 ~~(b) The sign or notice shall read as follows:~~

2
3 **~~“BE INFORMED”~~**

4
5 ~~“If you are a patient being treated for any form of prostate~~
6 ~~cancer, or prior to performance of a biopsy for prostate cancer,~~
7 ~~your physician and surgeon is urged to provide you a written~~
8 ~~summary of alternative efficacious methods of treatment,~~
9 ~~pursuant to Section 109280 of the California Health and Safety~~
10 ~~Code.”~~

11 ~~“The information about methods of treatment was developed~~
12 ~~by the State Department of Public Health to inform patients of~~
13 ~~the advantages, disadvantages, risks, and descriptions of~~
14 ~~procedures.”~~

15 ~~(c) The sign shall be not less than eight and one-half inches by~~
16 ~~11 inches and shall be conspicuously displayed so as to be~~
17 ~~readable. The words “BE INFORMED” shall not be less than~~
18 ~~one-half inch in height and shall be centered on a single line with~~
19 ~~no other text. The message on the sign shall appear in English,~~
20 ~~Spanish, and Chinese.~~

21 ~~(d) Subject to future, regular production and replacement~~
22 ~~schedules from the implementation of the act adding this~~
23 ~~subdivision, these signs and notices shall include the Internet~~
24 ~~Web site address of the State Department of Public Health and~~
25 ~~the Medical Board of California, and a notice regarding the~~
26 ~~availability of updated prostate cancer summaries on these Web~~
27 ~~sites.~~

28 *SEC. 18. Section 100119 of the Health and Safety Code is*
29 *amended and renumbered to read:*

30 ~~100119.~~

31 *113019.* There is in the State Department of *Public Health*
32 ~~Services~~ an Office of AIDS. The State Department of *Public*
33 ~~Health Services~~, Office of AIDS, shall be the lead agency within
34 the state, responsible for coordinating state programs, services,
35 and activities relating to the human immunodeficiency virus
36 (HIV), acquired immune deficiency syndrome (AIDS), and AIDS
37 related conditions (ARC). Among its responsibilities, the State
38 Department of *Public Health Services*, Office of AIDS, shall
39 coordinate Sections 120875, Section 120880, Chapter 2
40 (commencing with Section 120800), Chapter 4 (commencing

1 with Section 120900), Chapter 6 (commencing with Section
2 120950), Chapter 8 (commencing with Section 121025), Chapter
3 9 (commencing with Section 121050), Chapter 10 (commencing
4 with Section 121075), Chapter 11 (commencing with Section
5 121150), Chapter 12 (commencing with Section 121200),
6 Chapter 13 (commencing with Section 121250), and Chapter 14
7 (commencing with Section 121300), of Part 4 of Division 105.
8 Any reference in those provisions to the State Department of
9 Health Services *or the State Department of Public Health* shall
10 be deemed *to be* a reference to the Office of AIDS *within the*
11 *State Department of Public Health*.

12 *SEC. 19. Section 100125 of the Health and Safety Code is*
13 *repealed.*

14 ~~100125. Notwithstanding any other provision of state law, the~~
15 ~~department shall develop a proposal for consolidation of various~~
16 ~~programs affecting the health of mothers and children. The~~
17 ~~department, in developing the proposal, shall consult with the~~
18 ~~State Maternal Child and Adolescent Health Board, the~~
19 ~~California Conference of Local Health Officers, the California~~
20 ~~State Association of Counties, the Primary Care Clinic Advisory~~
21 ~~Committee, and other organizations interested in health services~~
22 ~~for women and children, as determined by the department, that~~
23 ~~shall assist it in identifying waivers of state and federal~~
24 ~~requirements that would be necessary to implement the proposal.~~
25 ~~The proposal shall consider administrative cost savings that may~~
26 ~~result from this consolidation. The department shall obtain~~
27 ~~waivers from state and federal requirements that the department~~
28 ~~determines are necessary to make the proposal viable. Any~~
29 ~~problem in obtaining the waivers shall be reported to the~~
30 ~~Legislature with the proposals. The department shall submit its~~
31 ~~proposal to the Legislature on or before January 1, 1984.~~
32 ~~Programs may include, but need not be limited to, the following:~~

- 33 ~~(a) California Children's Services.~~
- 34 ~~(b) WIC—Special Supplemental Food.~~
- 35 ~~(c) Child Health and Disability Prevention.~~
- 36 ~~(d) California Immunization Assistance Program.~~
- 37 ~~(e) Children and Youth Project.~~
- 38 ~~(f) Dental Disease Prevention.~~
- 39 ~~(g) Rural Health.~~
- 40 ~~(h) Indian Health.~~

1 ~~(i) Pediatric Renal Failure Centers.~~
2 ~~(j) Prepaid Health Plans.~~
3 ~~(k) Family Planning.~~
4 ~~(l) Infant Medical Dispatch Centers Program.~~
5 ~~(m) Childhood Lead Program.~~
6 ~~(n) Tuberculosis Control Program.~~
7 ~~(o) Venereal Disease.~~
8 ~~(p) SSI Disabled Children's Program.~~
9 ~~(q) Other maternal and child health programs, including, but~~
10 ~~not limited to, the following:~~

- 11 ~~(1) Sickle Cell.~~
12 ~~(2) Prenatal Testing.~~
13 ~~(3) Tay Sachs.~~
14 ~~(4) Huntington's Disease.~~
15 ~~(5) Prenatal Access.~~
16 ~~(6) High Risk Followup.~~
17 ~~(7) O.B. Access.~~
18 ~~(8) Perinatal Health Clinics.~~
19 ~~(9) Primary Care Clinics.~~
20 ~~(10) Maternal and Child Health Grants.~~

21 ~~Consolidation may include combining two or more specialized~~
22 ~~programs or the development of a single planning, evaluation,~~
23 ~~budgeting and reporting process for two or more programs that~~
24 ~~share a common target population. The department may submit~~
25 ~~more than one proposal for consolidation if two or more~~
26 ~~groupings of programs merit consolidation.~~

27 ~~Each proposal shall be developed after a review by the~~
28 ~~department of consolidation efforts proposed or developed by the~~
29 ~~counties. In the design of the proposal, the department shall~~
30 ~~consider how state level plans may assist further development of~~
31 ~~these local efforts.~~

32 ~~The department shall consult with the Department of Finance~~
33 ~~to develop a simplified budget and reporting format for programs~~
34 ~~that are recommended for consolidation.~~

35 ~~The Department of Finance shall make modifications in the~~
36 ~~California Fiscal Information System as it deems necessary to~~
37 ~~accommodate the proposed program consolidation.~~

38 ~~The office shall consult with the department with respect to the~~
39 ~~implementation of this section. The office shall incorporate~~
40 ~~recommendations for the consolidation of maternal, child, and~~

adolescent health services in applicable policy plans adopted after January 1, 1983.

SEC. 20. Section 100130 of the Health and Safety Code is repealed.

100130. Each state level consolidation proposal shall include plans for the development of the following:

(a) Common eligibility standards for programs included within the consolidated proposal, or, if federal law requires different eligibility standards for these programs, a common method for determining eligibility.

(b) A single form for the collection of necessary data from individuals, or a uniform format shared by all programs included in the consolidated proposal.

(c) A single form for reporting service delivery to the state.

(d) Shared plans, budgets, and fiscal accountability mechanisms, including audit procedures.

(e) Common intake points for services included in the consolidated system, that include eligibility determination, referral services, and follow through.

(f) A unified case management system.

(g) A method of determining the needs of, and developing services for, special populations.

(h) Implementation plans that propose solutions to any identified significant barriers or gaps in service.

SEC. 21. Section 100170 of the Health and Safety Code is amended to read:

100170. (a) The department may commence and maintain all proper and necessary actions and proceedings for any or all of the following purposes:

(a)

(1) To enforce its regulations.

(b) To enjoin and abate nuisances dangerous to health.

(c)

(2) To compel the performance of any act specifically enjoined upon any person, officer, or board, by any law of this state relating to the public health.

(d) To protect and preserve the public health.

It

(b) It may defend all actions and proceedings involving its powers and duties. In

1 (c) In all actions and proceedings it shall sue and be sued
2 under the name of the department.

3 SEC. 22. Section 100175 of the Health and Safety Code is
4 amended and renumbered to read:

5 ~~100175.~~

6 131075. The department may abate public nuisances.

7 SEC. 23. Section 100180 of the Health and Safety Code is
8 amended and renumbered to read:

9 ~~100180.~~

10 131080. The department may advise all local health
11 authorities, and, when in its judgment the public health is
12 menaced, it shall control and regulate their action.

13 SEC. 24. Section 100182 of the Health and Safety Code is
14 amended and renumbered to read:

15 ~~100182.~~

16 131082. Every person charged with the performance of any
17 duty under the laws of this state relating to the preservation of the
18 public health, who willfully neglects or refuses to perform the
19 same, is guilty of a misdemeanor.

20 SEC. 25. Section 100185 of the Health and Safety Code is
21 amended and renumbered to read:

22 ~~100185.~~

23 131085. (a) The department may perform any of the
24 following activities relating to the protection, preservation, and
25 advancement of public health:

- 26 (1) Studies.
27 (2) Demonstrations of innovative methods.
28 (3) Evaluations of existing projects.
29 (4) Provision of training programs.
30 (5) Dissemination of information.

31 (b) In performing an activity specified in subdivision (a), the
32 department may do any of the following:

- 33 (1) Perform the activity directly.
34 (2) Enter into contracts, cooperative agreements, or other
35 agreements for the performance of the activity.
36 (3) Apply for and receive grants for the performance of the
37 activity.
38 (4) Award grants for the performance of the activity.

39 SEC. 26. Section 100190 of the Health and Safety Code is
40 amended and renumbered to read:

1 ~~100190.~~

2 131090. The department may provide for consultant and
3 advisory services and for the training of technical and
4 professional personnel in educational institutions and field
5 training centers approved by the department, and for the
6 establishment and maintenance of field training centers in local
7 health departments and in the department.

8 *SEC. 27. Section 100195 of the Health and Safety Code is*
9 *amended and renumbered to read:*

10 ~~100195.~~

11 131095. The department shall cause special investigation of
12 the preparation and sale of drugs and food and their adulteration.

13 *SEC. 28. Section 100200 of the Health and Safety Code is*
14 *amended and renumbered to read:*

15 ~~100200.~~

16 131100. The department shall perform duties as required by
17 law for the detection and prevention of the adulteration of articles
18 used for food and drink, and for the punishment of persons guilty
19 of violation of any law providing against their adulteration.

20 *SEC. 29. Section 100205 of the Health and Safety Code is*
21 *amended and renumbered to read:*

22 ~~100205.~~

23 131105. The department shall examine and may prevent the
24 pollution of sources of public domestic water and ice supply.

25 *SEC. 30. Section 100210 of the Health and Safety Code is*
26 *amended and renumbered to read:*

27 ~~100210.~~

28 131110. The department shall maintain a program of
29 Drinking Water and Environmental Management.

30 *SEC. 31. Section 100215 of the Health and Safety Code is*
31 *amended and renumbered to read:*

32 ~~100215.~~

33 131115. The department may maintain a mental health
34 service that shall advise and assist local departments of health
35 and education in the establishment of mental health services,
36 particularly in connection with maternal and child health
37 conferences and in the schools of the state.

38 The department may conduct these activities as may be
39 required in the development of mental health services as related
40 to public health.

1 This section does not authorize any form of compulsory
2 medical or physical examination, treatment, or control of any
3 person.

4 *SEC. 32. Section 100225 of the Health and Safety Code is*
5 *amended and renumbered to read:*

6 ~~100225.~~

7 *131125.* The department shall enforce Section 383b of the
8 Penal Code.

9 *SEC. 33. Section 100230 of the Health and Safety Code is*
10 *amended and renumbered to read:*

11 ~~100230.~~

12 *131130.* (a) Any person who willfully sells, keeps for sale, or
13 offers for sale any food, drug, device, or cosmetic knowing, after
14 a written notice from either (1) a manufacturer, wholesaler,
15 distributor, or importer, or (2) the department or a local health
16 officer that the product linked to an outbreak of illness, injury, or
17 product tampering is being ordered removed from sale by the
18 department pursuant to Section 100180, shall, upon conviction,
19 be punished by a fine of not less than two thousand dollars
20 (\$2,000) nor more than ten thousand dollars (\$10,000) for each
21 day of violation, or by imprisonment in the county jail for not
22 more than one year, or by both a fine and imprisonment.

23 (b) If a second or subsequent violation is committed after a
24 previous conviction under this section has become final, the
25 person shall be punished by a fine of not less than five thousand
26 dollars (\$5,000) nor more than twenty-five thousand dollars
27 (\$25,000) for each day of violation, or by imprisonment in the
28 state prison, or by both a fine and imprisonment.

29 (c) Notwithstanding any other provision of law, the court may
30 suspend the minimum fines provided for in this section if it
31 determines that there are circumstances in mitigation and the
32 court states on the record its reasons for suspending the minimum
33 fine.

34 *SEC. 34. Section 100235 of the Health and Safety Code is*
35 *amended and renumbered to read:*

36 ~~100235.~~

37 *131135.* Whenever any person violates any provision of
38 Section 100230, the court may, as a condition of probation, order
39 the defendant to pay, in lieu of any fine, any expenses, both
40 direct and indirect, incurred by a local health department or the

1 department in monitoring compliance with the order pursuant to
2 Section 100180, including, but not limited to, the costs of
3 conducting inspections and imposing embargoes. The total costs
4 payable to the department and local health departments
5 collectively imposed pursuant to this section shall not exceed the
6 maximum fine for the offense of which the defendant is
7 convicted.

8 Any amount collected under this section shall be paid to the
9 local health department incurring the expenses or, if to reimburse
10 costs of the department, into the General Fund.

11 ~~SEC. 37.~~

12 *SEC. 35.* Section 109277 of the Health and Safety Code is
13 amended to read:

14 109277. (a) Every person or entity who owns or operates a
15 health facility or a clinic, or who is licensed as a physician and
16 surgeon and rents or owns the premises where his or her practice
17 is located, shall cause a sign or notice to be posted where a
18 physician and surgeon performs breast cancer screening or
19 biopsy as an outpatient service, or in a reasonably proximate area
20 to where breast cancer screening or biopsy is performed. A sign
21 or notice posted at the patient registration area of the health
22 facility, clinic, or physician and surgeon's office shall constitute
23 compliance with this section.

24 (b) The sign or notice shall read as follows:

25
26 "BE INFORMED"

27
28 "If you are a patient being treated for any form of breast
29 cancer, or prior to performance of a biopsy for breast cancer,
30 your physician and surgeon is required to provide you a written
31 summary of alternative efficacious methods of treatment,
32 pursuant to Section 109275 of the California Health and Safety
33 Code."

34
35 "The information about methods of treatment was developed
36 by the State Department of Public Health to inform patients of
37 the advantages, disadvantages, risks, and descriptions of
38 procedures."
39

1 (c) The sign shall be not less than eight and one-half inches by
2 11 inches and shall be conspicuously displayed so as to be
3 readable. The words “BE INFORMED” shall not be less than
4 one-half inch in height and shall be centered on a single line with
5 no other text. The message on the sign shall appear in English,
6 Spanish, and Chinese.

7 ~~SEC. 38.~~

8 *SEC. 36.* Section 109282 of the Health and Safety Code is
9 amended to read:

10 109282. (a) Every person or entity who owns or operates a
11 health facility or a clinic, or who is licensed as a physician and
12 surgeon and rents or owns the premises where his or her practice
13 is located, shall cause a sign or notice to be posted where prostate
14 cancer screening or treatment is performed by any physician and
15 surgeon, or in a reasonably proximate area to where prostate
16 cancer screening or treatment is performed. A sign or notice
17 posted at the patient registration area of the health facility, clinic,
18 or physician and surgeon’s office shall constitute compliance
19 with this section.

20 (b) The sign or notice shall read as follows:

21
22 “BE INFORMED”
23

24 “If you are a patient being treated for any form of prostate
25 cancer, or prior to performance of a biopsy for prostate cancer,
26 your physician and surgeon is urged to provide you a written
27 summary of alternative efficacious methods of treatment,
28 pursuant to Section 109280 of the California Health and Safety
29 Code.”

30 “The information about methods of treatment was developed
31 by the State Department of Public Health to inform patients of
32 the advantages, disadvantages, risks, and descriptions of
33 procedures.”

34 (c) The sign shall be not less than eight and one-half inches by
35 11 inches and shall be conspicuously displayed so as to be
36 readable. The words “BE INFORMED” shall not be less than
37 one-half inch in height and shall be centered on a single line with
38 no other text. The message on the sign shall appear in English,
39 Spanish, and Chinese.

(d) Subject to future, regular production and replacement schedules from the implementation of the act adding this subdivision, these signs and notices shall include the Internet Web site address of the State Department of Public Health and the Medical Board of California, and a notice regarding the availability of updated prostate cancer summaries on these Web sites.

SEC. 37. Division 112 (commencing with Section 131000) is added to Part 1 of Chapter 1 of the Health and Safety Code, to read:

DIVISION 112. PUBLIC HEALTH

PART 1. GENERAL PROVISIONS

CHAPTER 1. ORGANIZATION OF THE STATE DEPARTMENT OF PUBLIC HEALTH

131000. There is in the California Health and Human Services Agency a State Department of Public Health.

131005. (a) There is in state government an executive officer known as the State Public Health Officer, who shall be appointed by the Governor, subject to confirmation by the Senate, and hold office at the pleasure of the Governor. The State Public Health Officer shall receive the annual salary provided by Article 1 (commencing with Section 11550) of Chapter 6 of Part 1 of Division 3 of Title 2 of the Government Code.

(b) The State Public Health Officer shall serve as the Director of, and have control over, the State Department of Public Health.

(c) Any statutory reference to "director," "the Director of Health Services," "the Director of Public Health," or the "Director of the State Department of Public Health," regarding a function transferred to the State Department of Public Health pursuant to Section 113050, is deemed to, instead, refer to the State Public Health Officer.

(d) Any statutory reference to "department" or "state department" regarding a function transferred to the State Department of Public Health pursuant to Section 113050, shall refer to the State Department of Public Health.

1 (e) *The director shall be a licensed physician and surgeon*
2 *pursuant to Chapter 5 (commencing with Section 2000) of*
3 *Division 2 of the Business and Professions Code, who has*
4 *demonstrated medical, public health, and management*
5 *experience.*

6 131006. *Upon recommendation of the director, the Governor*
7 *may appoint, not to exceed, two chief deputies of the State*
8 *Department of Health Care Services who shall hold office at the*
9 *pleasure of the Governor. The salaries of the chief deputies shall*
10 *be fixed in accordance with law.*

11 131010. *The director shall have the powers of a head of the*
12 *department pursuant to Chapter 2 (commencing with Section*
13 *11150) of Part 1 of Division 3 of Title 2 of the Government Code.*

14 131020. *All officers or employees of the department employed*
15 *after July 1, 2007, shall be appointed by the director.*

16 131050. (a) *The State Department of Public Health shall*
17 *succeed to and be vested with all the duties, powers, purposes,*
18 *responsibilities, and jurisdiction of the former State Department*
19 *of Health Services as they relate to public health, licensing and*
20 *certification of health facilities, and any other functions*
21 *performed immediately preceding the operative date of this*
22 *section by, or under the supervision of all of the following:*

23 (1) *The Deputy Director for Prevention Services of the former*
24 *State Department of Health Services, excluding (A) the Office of*
25 *Clinical Preventive Medicine, and (B) the Improving Access,*
26 *Counseling, and Treatment for Californians with Prostate*
27 *Cancer Program as authorized by Section 104322.*

28 (2) *The Deputy Director for Licensing and Certification.*

29 (3) *The Deputy Director for Health Information and Strategic*
30 *Planning.*

31 (4) *The Deputy Director for Public Health Emergency*
32 *Preparedness.*

33 (5) *The California Conference of Local Health Officers.*

34 (6) *The Deputy Director for Primary Care and Family Health*
35 *as follows: Maternal, Child and Adolescent Health as set forth in*
36 *Part 2, excluding Articles 5, 5.5, and 6 of Chapter 3 of Part 3*
37 *and Part 5, excluding Articles 1 and 2 of Chapter 2 of Part 7 and*
38 *Part 8 of Division 106.*

39 (b) *The State Department of Public Health succeeds to and is*
40 *vested with all the duties, powers, purposes, responsibilities, and*

jurisdiction of the former State Department of Health Services as they relate to public health as provided for or referred to in all of the following provisions of law:

(1) Sections 550, 555, 650, 680, 1241, 1658, 2221.1, 2248.5, 2249, 2259, 2259.5, 2541.3, 2585, 2728, 3527, 4017, 4027, 4037, 4191, 19059.5, 19120, 22973.2, and 22974.8 of the Business and Professions Code.

(2) Sections 56.17, 1812.508, and 1812.543 of the Civil Code.

(3) Sections 8286, 8803, 17613, 32064, 32065, 32066, 32241, 49030, 49405, 49414, 49423.5, 49452.6, 49460, 49464, 49565, 49565.8, 49531.1, 56836.165, and 76403 of the Education Code.

(4) Sections 405, 6021, 6026, 18963, 30852, 41302, and 78486 of the Food and Agricultural Code.

(5) Sections 307, 355, 422, 7572, 7574, 8706, 8817, and 8909 of the Family Code.

(6) Sections 217.6, 1507, 1786, 4011, 5671, 5674, 5700, 5701, 5701.5, 7715, and 15700 of the Fish and Game Code.

(7) Sections 855, 51010, and 551017.1 of the Government Code. For purposes of subdivision (s) of Section 6254 of the Government Code, the term “State Department of Health Services” shall refer to the State Department of Public Health.

(8) (A) Sections 475, 1180.6, 1418.1, 1422.1, 1428.2, 1457, 1505, 1507.1, 1507.5, 1570.7, 1599.2, 1599.60, 1599.75, 1599.87, 2002, 2804, 11362.7, 11776, 11839.21, 11839.23, 11839.24, 11839.25, 11839.26, 11839.27, 11839.28, 11839.29, 11839.30, 11839.31, 11839.32, 11839.33, 11839.34, 17920.10, 17961, 18897.2, 24185, 24186, 24187, 24275, 26101, 26122, 26134, 26155, 26200, and 26203.

(B) Chapters 1, 2, 2.05, 2.3, 2.35, 2.4, 3.3, 3.9, 3.93, 3.95, 4, 4.1, 4.5, 5, 6, 6.5, 8, 8.3, 8.5, 8.6, 9, and 11 of Division 2.

(C) Articles 2 and 4 of Chapter 2, Chapter 3, and Chapter 4 of Part 1, Part 2 and Part 3 of Division 101.

(D) Division 102, including Sections 102230 and 102231.

(E) Division 103, including Sections 104145, 104160, 104181, 104182, 104182.5, 104187, 104191, 104324.2, 104324.25, 116610, 105191, 105251, 105255, 105280, 105340, and 105430.

(F) Division 104, including Sections 106615, 106675, 106770, 108115, 108855, 109282, 109910, 109915, 112155, 112500, 112650, 113355, 114460, 114475, 114650, 114710, 114850, 114855, 114985, 115061, 115261, 115340, 115736, 115880,

1 115885, 115915, 116064, 116183, 116270, 116365.5, 116366,
2 116375, 116610, 116610, 116751, 116760.20, 116825, 117100,
3 117924, and 119300.

4 (G) Division 105, including Sections 120262, 120381, 120395,
5 120440, 120480, 120956, 120966, 121155, 121285, 121340,
6 121349.1, 121480, 122410, and 122420.

7 (H) Part 1, Part 2 excluding Articles 5, 5.5, and 6 of Chapter
8 3 of Part 3 and Part 5 excluding Articles 1 and 2 of Chapter 2 of
9 Part 7 and Part 8 of Division 106.

10 (9) Sections 799.03, 10123.35, 10123.5, 10123.55, 10123.10,
11 10123.184, and 11520 of the Insurance Code.

12 (10) Sections 50.8, 142.3, 144.5, 144.7, 147.2, 4600.6, 6307.1,
13 6359, 6712, 9009, and 9022 of the Labor Code.

14 (11) Sections 4018.1, 5008.1, 7501, 7502, 7510, 7511, 7515,
15 7518, 7530, 7550, 7553, 7575, 7576, 11010, 11174.34, and
16 13990 of the Penal Code.

17 (12) Section 4806 of the Probate Code.

18 (13) Sections 15027, 25912, 28004, 30950, 41781.1, 42830,
19 43210, 43308, 44103, and 71081 of the Public Resources Code.

20 (14) Section 10405 of the Public Contract Code.

21 (15) Sections 883, 1507, and 7718 of the Public Utilities Code.

22 (16) Sections 18833, 18838, 18845.2, 18846.2, 18847.2,
23 18863, 30461.6, 43010.1, and 43011.1 of the Revenue and
24 Taxation Code.

25 (17) Section 11020 of the Unemployment Insurance Code.

26 (18) Sections 22511.55, 23158, 27366, and 33000 of the
27 Vehicle Code.

28 (19) Sections 5326.9, 5328, 5328.15, 14132, 16902, and
29 16909, and Division 24 of the Welfare and Institutions Code.
30 Payment for services provided under the Family Planning,
31 Access, Care, and Treatment (Family PACT) Waiver Program
32 pursuant to subdivision (aa) of Section 14132 and Division 24
33 shall be made through the State Department of Health Care
34 Services. The State Department of Public Health and the State
35 Department of Health Care Services may enter into an
36 interagency agreement for the administration of such payments.

37 (20) Sections 13176, 13177.5, 13178, 13193, 13390, 13392,
38 13392.5, 13393.5, 13395.5, 13396.7, 13521, 13522, 13523,
39 13528, 13529, 13529.2, 13550, 13552.4, 13552.8, 13553,
40 13553.1, 13554, 13554.2, 13816, 13819, 13820, 13823, 13824,

1 13825, 13827, 13830, 13834, 13835, 13836, 13837, 13858,
2 13861, 13862, 13864, 13868, 13868.1, 13868.3, 13868.5, 13882,
3 13885, 13886, 13887, 13891, 13892, 13895.1, 13895.6, 13895.9,
4 13896, 13896.3, 13896.4, 13896.5, 13897, 13897.4, 13897.5,
5 13897.6, 13898, 14011, 14012, 14015, 14016, 14017, 14019,
6 14022, 14025, 14026, 14027, and 14029 of the Water Code.

7 131055. (a) All regulations and orders adopted by the former
8 State Department of Health Services and any of its predecessors
9 in effect immediately preceding the operative date of this section
10 shall remain in effect and shall be fully enforceable unless and
11 until readopted, amended, or repealed, or until they expire by
12 their own terms. Any action by or against the former State
13 Department of Health Services or any of its predecessors
14 pertaining to matters vested in the State Department of Public
15 Health by Section 113050 shall not abate but shall continue in
16 the name of the State Department of Public Health, and the State
17 Department of Public Health shall be substituted for the former
18 State Department of Health Services and any of its predecessors
19 by the court wherein the action is pending. The substitution shall
20 not in any way affect the rights of the parties to the action.

21 (b) On and after the operative date of this section, the
22 unexpended balance of all funds available for use by the former
23 State Department of Health Services or any of its predecessors in
24 carrying out any functions transferred to the State Department of
25 Public Health shall be available for use by the State Department
26 of Public Health.

27 (c) All books, documents, records, and property of the former
28 State Department of Health Services pertaining to functions
29 transferred to the Department of Public Health shall be
30 transferred to the State Department of Public Health.

31 (d) On and after the operative date of this section, positions
32 other than that of the State Public Health Officer and the Chief
33 Deputy filled by appointment by the Governor in the former State
34 Department of Health Services whose principal assignment was
35 to perform functions transferred to the State Department of
36 Public Health shall be transferred to the State Department of
37 Public Health. Individuals in positions transferred pursuant to
38 this section shall serve at the pleasure of the Governor. Salaries
39 of positions transferred shall remain at the level established
40 pursuant to law unless otherwise provided.

(e) Every officer and employee of the former State Department of Health Services who is performing a function transferred to the State Department of Public Health and who is serving in the state civil service, other than as a temporary employee, shall be transferred to the State Department of Public Health pursuant to the provisions of Section 19050.9 of the Government Code . The status, position, and rights of any officer or employee of the former State Department of Health Services shall not be affected by the transfer and shall be retained by the person as an officer or employee of the State Department of Public Health, as the case may be, pursuant to the State Civil Service Act (Part 2 (commencing with Section 18500) of Division 5 of Title 2 of the Government Code), except as to a position that is exempt from civil service.

CHAPTER 2. GENERAL POWERS OF THE DEPARTMENT

Article 1. General Provisions

131070. The department may commence and maintain all proper and necessary actions and proceedings for any or all of the following purposes:

- (a) To enforce its regulations.
- (b) To enjoin and abate nuisances dangerous to health.
- (c) To compel the performance of any act specifically enjoined upon any person, officer, or board, by any law of this state relating to the public health.
- (d) To protect and preserve the public health.

It may defend all actions and proceedings involving its powers and duties. In all actions and proceedings it shall sue and be sued under the name of the department.

131120. With the approval of the Department of Finance, and for use in the furtherance of the work of the department, the director may accept (a) grants of interest in real property, and (b) gifts of money from public agencies or from organizations or associations organized for scientific, educational, or charitable purposes.

1 Article 2. *Regulatory Authorization and Review*

2
3 131200. *The department may adopt and enforce regulations*
4 *for the execution of its duties.*

5 131205. *Notwithstanding any other provision of law, the*
6 *department shall submit all of its regulations on matters related*
7 *to statutory responsibilities delegated to or enforced by local*
8 *health departments, except emergency regulations, to the*
9 *California Conference of Local Health Officers for review and*
10 *comment prior to adoption. If the department deems it*
11 *appropriate to implement the proposed regulations or parts*
12 *thereof, contrary to the recommendations of the conference, the*
13 *department shall make a public finding summarizing the reasons*
14 *for acting contrary to these recommendations.*

15 131210. *The department, after consultation with and*
16 *approval by the Conference of Local Health Officers, shall by*
17 *regulation establish standards of education and experience for*
18 *professional and technical personnel employed in local health*
19 *departments and for the organization and operation of the local*
20 *health departments. These standards may include standards for*
21 *the maintenance of records of services, finances, and*
22 *expenditures, that shall be reported to the director in a manner*
23 *and at times as the director may specify.*

24 131215. (a) *When a dispute arises as to the interpretation or*
25 *enforcement of regulations of the department that are being*
26 *enforced by a city, county, city and county, or district, a request*
27 *for clarification or interpretation may be submitted to the*
28 *department. The department shall make a determination of the*
29 *proper interpretation and required enforcement when so*
30 *requested by a party to the dispute.*

31 (b) *In making its determination, the department may conduct a*
32 *hearing where all interested parties may present relative*
33 *comments or arguments.*

34 (c) *Determinations of the department made pursuant to this*
35 *section shall be transmitted to the concerned local agency and*
36 *the involved party or parties within 60 days after the receipt of*
37 *the request. The determination of the department shall be binding*
38 *upon the local agency and the parties subject to the regulations*
39 *of the department, except when the matter may be subject to*
40 *judicial review.*

1 131220. Notwithstanding any other provision of law, but to
2 the extent consistent with applicable federal law or regulation,
3 the director may, after a request by a board of supervisors of an
4 affected county and after a public hearing held in accordance
5 with Section 11346 of the Government Code, waive regulations
6 pertaining to the provision of hospital services in a hospital
7 operated by a county or under contract to a county for a county
8 with a population of 200,000 or less on January 1, 1980, if the
9 director makes a finding that the waiver would not affect
10 adversely the health and safety of persons in the county. The
11 authority contained in this section shall be in addition to, and
12 shall not supersede or limit, any other provision of law
13 authorizing the waiver by the department of requirements
14 contained in regulations adopted by the department relating to
15 health facilities.

16 131225. (a) Notwithstanding any other provision of law, the
17 department by regulation may provide for the issuance and
18 renewal on a two-year basis of licenses, certificates of
19 registration, or other indicia of authority issued pursuant to this
20 code by the department.

21 (b) The department may by regulation set the fee for the
22 two-year license, certificate of registration, or other indicia, not
23 to exceed twice the annual fee for issuance or renewal set by
24 statute.

25
26 CHAPTER 3. WOMEN'S HEALTH
27

28 131250. The Office of Women's Health is hereby established
29 within the State Department of Public Health. For purposes of
30 this chapter, "office" means the Office of Women's Health.

31 131260. The office, shall cooperate with the interagency task
32 force on women's health, to develop a coordinated state strategy
33 for addressing the health related needs of women.

34 131265. The office may do any of the following:

35 (a) Perform strategic planning within the state department to
36 develop departmentwide plans for implementation of goals and
37 objectives for women's health.

38 (b) Conduct departmental policy analysis on specific issues
39 related to women's health.

1 (c) *Coordinate pilot projects and planning projects funded by*
2 *the state that are related to women's health.*

3 (d) *Identify unnecessary duplication of services and future*
4 *service needs.*

5 (e) *Communicate and disseminate information and perform a*
6 *liaison function within the state department and to providers of*
7 *health, social, educational, and support services to women.*

8 (f) *Perform internal state department staff training, and*
9 *training of health care professionals to ensure more*
10 *linguistically and culturally appropriate care.*

11 (g) *Serve as a clearinghouse for information regarding*
12 *women's health data, strategies, and programs that address*
13 *women's health issues, including pregnancy, breast and cervical*
14 *cancers, AIDS, osteoporosis, and menopause, as well as issues*
15 *that impact women's health, including substance abuse, domestic*
16 *violence, housing, teenage pregnancy, and sexual assault.*

17 (h) *Encourage innovative responses by public and private*
18 *entities that are attempting to address women's health issues.*

19 (i) *Provide technical assistance to counties, other public*
20 *entities, and private entities seeking to obtain funds for initiatives*
21 *in women's health, including identification of sources of funding*
22 *and assistance with writing of grants.*

23 131270. (a) *The State Department of Public Health shall*
24 *place priority on providing information to consumers, patients,*
25 *and health care providers regarding women's gynecological*
26 *cancers, including, signs and symptoms, risk factors, the benefits*
27 *of early detection through appropriate diagnostic testing, and*
28 *treatment options.*

29 (b) *The information may include, but is not limited to, the*
30 *following elements:*

31 (1) *Educational and informational materials in print, audio,*
32 *video, electronic, or other media.*

33 (2) *Public service announcements and advertisements.*

34 (c) (1) *The department may produce or contract with others to*
35 *develop the materials described in this section as the director*
36 *deems appropriate, or may survey available publications from,*
37 *among other sources, the National Cancer Institute and the*
38 *American Cancer Society, and may collect and formulate a*
39 *distribution plan and disseminate these publications according to*
40 *the plan. These materials may be made available to the public*

1 *free of charge and may include distribution through the Medical*
2 *Board of California, as well as through other sources according*
3 *to the distribution plan.*

4 *(2) The department may require, as it deems appropriate,*
5 *health care providers to make these materials available to*
6 *patients.*

7 *(d) In exercising the powers under this section, the office shall*
8 *consult with appropriate health care professionals and*
9 *providers, consumers, and patients, or organizations*
10 *representing them.*

11 *(e) The department may appoint a Women's Gynecological*
12 *Cancer Information Advisory Council which may include*
13 *representation from health care professionals and providers,*
14 *consumers, patients, and other appropriate interests. Members of*
15 *the council shall receive no compensation for their services, but*
16 *shall be allowed their actual and necessary expenses incurred in*
17 *the performance of their duties.*

18 *(f) The department's duties pursuant to this section are*
19 *contingent upon the department receiving funds appropriated for*
20 *this purpose.*

21 *(g) The department may adopt any regulations necessary and*
22 *appropriate for the implementation of this section.*

23 *131275. (a) The department shall include in any literature*
24 *that it produces regarding breast cancer information that shall*
25 *include, but not be limited to, all of the following:*

26 *(1) Summarized information on risk factors for breast cancer*
27 *in younger women, including, but not limited to, information on*
28 *the increased risk associated with a family history of the disease.*

29 *(2) Summarized information regarding detection alternatives*
30 *to mammography that may be available and more effective for*
31 *at-risk women between the ages of 25 and 40 years.*

32 *(3) Information on Internet Web sites of relevant*
33 *organizations, government agencies, and research institutions*
34 *where information on mammography alternatives may be*
35 *obtained.*

36 *(b) The information required by subdivision (a) shall be*
37 *produced consistent with the department's protocols and*
38 *procedures regarding the production and dissemination of*
39 *information on breast cancer, including, but not limited to, the*
40 *following factors:*

1 (1) *Restrictions imposed by space limitation on materials*
2 *currently produced and distributed by the department.*

3 (2) *Future regular production and replacement schedules.*

4 (3) *Translation standards governing the number of languages*
5 *and literacy levels.*

6 (4) *The nature, content, and purpose of the material into*
7 *which this new information will be incorporated.*

8 (c) *It is the intent of the Legislature that subdivisions (a) and*
9 *(b) apply to information that is distributed by any branch of the*
10 *department, including, but not limited to, the Cancer Detection*
11 *Section and the Office of Women's Health, which are charged*
12 *with providing information about cancer.*

13
14 *CHAPTER 4. MULTICULTURAL HEALTH*
15

16 131280. *The Legislature finds and declares all of the*
17 *following:*

18 (a) *The health status of California's racial and ethnic*
19 *communities is poor relative to the health status of the white*
20 *population.*

21 (b) *Of the estimated 24 percent of Californians without health*
22 *insurance, approximately 81 percent are from racial and ethnic*
23 *communities.*

24 (c) *Of the uninsured in California, an estimated 38 percent are*
25 *Latino, 24 percent are Asian and Pacific Islander, and 19*
26 *percent are African-American.*

27 (d) *Racial and ethnic communities suffer from various*
28 *infections and communicable diseases at higher rates than the*
29 *white population, and experience increased mortality from more*
30 *preventable disease relative to the white population. For*
31 *example, the President's Racial and Ethnic Health Disparities*
32 *Initiative recognized that infant mortality rates are 2.5 times*
33 *higher for African-Americans and 1.5 times higher for native*
34 *Americans than for the white population. African men under 65*
35 *years of age suffer from prostate cancer at nearly five times the*
36 *rate of white men and Vietnamese women suffer from cervical*
37 *cancer at nearly five times the rate of white women. Latinos*
38 *suffer from stomach cancer at two to three times the rate of the*
39 *white population, and African-American men suffer from heart*
40 *disease at nearly twice the rate of white men. Native Americans*

1 *suffer from diabetes at nearly three times the average rate of the*
2 *white population, while African-Americans suffer 70 percent*
3 *higher rates of diabetes than the white population.*

4 *(e) Efforts to reduce and eliminate racial and ethnic*
5 *disparities in health status have received scant attention, both in*
6 *terms of funding for prevention and treatment services, as well as*
7 *research.*

8 *(f) Program planning and implementation efforts to reduce*
9 *these health disparities have been neither inclusive of racial and*
10 *ethnic communities nor responsive to the needs of these*
11 *communities.*

12 *131285. (a) The Office of Multicultural Health is hereby*
13 *established within the State Department of Public Health.*

14 *(b) For purposes of this chapter:*

15 *(1) "Department" means the State Department of Health*
16 *Services.*

17 *(2) "Office" means the Office of Multicultural Health.*

18 *131290. (a) The office shall do all of the following:*

19 *(1) Perform strategic planning within the department to*
20 *develop departmentwide plans for implementation of goals and*
21 *objectives to close the gaps in health status and access to care*
22 *among the state's diverse racial and ethnic communities.*

23 *(2) Conduct departmental policy analysis on specific issues*
24 *related to multicultural health.*

25 *(3) Coordinate pilot projects and planning projects funded by*
26 *the state that are related to improving the effectiveness of*
27 *services to ethnic and racial communities.*

28 *(4) Identify the unnecessary duplication of services and future*
29 *service needs.*

30 *(5) Communicate and disseminate information and perform a*
31 *liaison function within the department and to providers of health,*
32 *social, educational, and support services to racial and ethnic*
33 *communities. The office shall consult regularly with*
34 *representatives from diverse racial and ethnic communities,*
35 *including health providers, advocates, and consumers.*

36 *(6) Perform internal staff training, an internal assessment of*
37 *cultural competency, and training of health care professionals to*
38 *ensure more linguistically and culturally competent care.*

39 *(7) Serve as a resource for ensuring that programs keep data*
40 *and information regarding ethnic and racial health statistics,*

1 *strategies and programs that address multicultural health issues,*
2 *including, but not limited to, infant mortality, cancer,*
3 *cardiovascular disease, diabetes, human immunodeficiency virus*
4 *(HIV), acquired immune deficiency syndrome (AIDS), child and*
5 *adult immunization, asthma, unintentional and intentional injury,*
6 *and obesity, as well as issues that impact the health of racial and*
7 *ethnic communities, including substance abuse, mental health,*
8 *housing, teenage pregnancy, environmental disparities,*
9 *immigrant and migrant health, and health insurance and delivery*
10 *systems.*

11 *(8) Encourage innovative responses by public and private*
12 *entities that are attempting to address multicultural health issues.*

13 *(9) Provide technical assistance to counties, other public*
14 *entities, and private entities seeking to obtain funds for initiatives*
15 *in multicultural health, including identification of funding*
16 *sources and assistance with writing grants.*

17 *(b) Notwithstanding Section 7550.5 of the Government Code,*
18 *the office shall biennially prepare and submit a report to the*
19 *Legislature on the status of the activities required by this*
20 *chapter.*

21 *SEC. 38. (a) No contract, lease, license, bond, or any other*
22 *agreement to which the former State Department of Health*
23 *Services or any of its predecessors are a party shall be void or*
24 *voidable by reason of this act, but shall continue in full force and*
25 *effect, with the renamed State Department of Health Care*
26 *Services and the newly formed State Department of Public*
27 *Health assuming all of the rights, obligations, liabilities, and*
28 *duties of the former State Department of Health Services and any*
29 *of its predecessors as relates to the duties, powers, purposes,*
30 *responsibilities, and jurisdiction vested by this act in each of the*
31 *resulting departments. The assumption by each department shall*
32 *not in any way affect the rights of the parties to the contract,*
33 *lease, license, or agreement. Bonds issued by the former State*
34 *Department of Health Services or any of its predecessors on or*
35 *before the operative date of this section related to the duties,*
36 *powers, purposes, responsibilities, and jurisdiction vested by this*
37 *act in the renamed State Department of Health Care Services or*
38 *in the newly formed State Department of Public Health, shall*
39 *become the indebtedness of the State Department of Health Care*
40 *Services or of the State Department of Public Health, as they*

1 *relate to responsibilities assigned to each resulting department.*
2 *Any ongoing obligations or responsibilities of the former State*
3 *Department of Health Services for managing and maintaining*
4 *these bond issuances shall be transferred to the newly formed*
5 *State Department of Public Health or retained by the renamed*
6 *State Department of Health Care Services, as appropriate,*
7 *without impairment to any security contained in the bond*
8 *instrument.*

9 *(b) The newly formed State Department of Public Health and*
10 *the renamed State Department of Health Care Services succeed*
11 *to, and are vested with, all the duties, powers, purposes,*
12 *responsibilities, and jurisdiction of the former State Department*
13 *of Health Services with respect to all duties, powers, purposes,*
14 *responsibilities, and jurisdiction retained by, or transferred to,*
15 *each department.*

16 *(c) All officers and employees of the former State Department*
17 *of Health Services who are serving in the state civil service,*
18 *other than as temporary employees assigned to transferred*
19 *programs, shall be transferred to the State Department of Public*
20 *Health. All those not transferred to the newly formed State*
21 *Department of Public Health shall be retained in the renamed*
22 *State Department of Health Care Services. The status, positions,*
23 *and rights of those persons shall not be affected by the transfer*
24 *or renaming and shall be retained by those persons as officers*
25 *and employees of each resulting department, pursuant to the*
26 *State Civil Service Act (Part 2 (commencing with Section 18500)*
27 *of Division 5 of Title 2 of the Government Code), except as to*
28 *positions exempt from the civil service.*

29 *(d) Each department shall have possession and control of all*
30 *records, papers, offices, equipment, supplies, moneys, funds,*
31 *appropriations, licenses, permits, agreements, contracts, claims,*
32 *judgments, land, and other property, real or personal, connected*
33 *with the administration of, or held for, the benefit or use of the*
34 *former State Department of Health Services, with respect to the*
35 *functions transferred to, or retained by, each department*
36 *pursuant to this act.*

37 *(e) Any regulation or other action, adopted, prescribed, taken,*
38 *or performed by an agency or officer in the administration of a*
39 *program or the performance of a duty, responsibility, or*
40 *authorization transferred by the act adding this section shall*

1 remain in effect and shall be deemed to be a regulation or action
2 of the agency or officer to whom the program, duty,
3 responsibility, or authorization is assigned pursuant to this act.

4 (f) No suit, action, or other proceeding lawfully commenced by
5 or against any agency or other officer of the state, in relation to
6 the administration of any program or the discharge of any duty,
7 responsibility, or authorization transferred or reassigned by the
8 act adding this section, shall abate by reason of the transfer or
9 assigning of the program, duty, responsibility, or authorization
10 under the act adding this section.

11 SEC. 39. (a) The reorganization of the former State
12 Department of Health Services pursuant to Sections 1 to 38,
13 inclusive, shall be budget neutral. It is the intent of the
14 Legislature not to provide, in total, funding for the State
15 Department of Public Health and the State Department of Health
16 Care Services in excess of the total funding previously
17 appropriated to the former State Department of Health Services,
18 with possible caseload and inflation adjustments.

19 (b) The reorganization shall be implemented without the
20 additional appropriation of funds. However, the Legislature finds
21 and declares that to implement this act, funding adjustments may
22 be required to align appropriation authority and to provide for
23 anticipated expenditures to the appropriate funding sources.

24 (c) The annual budget for the State Department of Public
25 Health and State Department of Health Care Services shall be
26 proposed and considered in the process for review of the annual
27 Budget Act.

28 SEC. 40. Sections 1 to 38, inclusive, of this act shall become
29 operative on July 1, 2007.

30 ~~SEC. 39. Section 109910 of the Health and Safety Code is~~
31 ~~amended to read:~~

32 ~~109910. “Department” means the State Department of Public~~
33 ~~Health.~~

34 ~~SEC. 40. Section 113754 is added to the Health and Safety~~
35 ~~Code, to read:~~

36 ~~113754. For purposes of this part, “department” or “State~~
37 ~~Department of Health Services” means the State Department of~~
38 ~~Public Health.~~

39 ~~SEC. 41. Section 116275 of the Health and Safety Code is~~
40 ~~amended to read:~~

116275. As used in this chapter:

(a) “Contaminant” means any physical, chemical, biological, or radiological substance or matter in water.

(b) “Department” means the State Department of Public Health.

(c) “Primary drinking water standards” means:

(1) Maximum levels of contaminants that, in the judgment of the department, may have an adverse effect on the health of persons.

(2) Specific treatment techniques adopted by the department in lieu of maximum contaminant levels pursuant to subdivision (j) of Section 116365.

(3) The monitoring and reporting requirements as specified in regulations adopted by the department that pertain to maximum contaminant levels.

(d) “Secondary drinking water standards” means standards that specify maximum contaminant levels that, in the judgment of the department, are necessary to protect the public welfare. Secondary drinking water standards may apply to any contaminant in drinking water that may adversely affect the odor or appearance of the water and may cause a substantial number of persons served by the public water system to discontinue its use, or that may otherwise adversely affect the public welfare. Regulations establishing secondary drinking water standards may vary according to geographic and other circumstances and may apply to any contaminant in drinking water that adversely affects the taste, odor, or appearance of the water when the standards are necessary to assure a supply of pure, wholesome, and potable water.

(e) “Human consumption” means the use of water for drinking, bathing or showering, hand washing, or oral hygiene.

(f) “Maximum contaminant level” means the maximum permissible level of a contaminant in water.

(g) “Person” means an individual, corporation, company, association, partnership, limited liability company, municipality, public utility, or other public body or institution.

(h) “Public water system” means a system for the provision of water for human consumption through pipes or other constructed conveyances that has 15 or more service connections or regularly

1 serves at least 25 individuals daily at least 60 days out of the
2 year. A public water system includes the following:

3 (1) Any collection, treatment, storage, and distribution
4 facilities under control of the operator of the system which are
5 used primarily in connection with the system.

6 (2) Any collection or pretreatment storage facilities not under
7 the control of the operator that are used primarily in connection
8 with the system.

9 (3) Any water system that treats water on behalf of one or
10 more public water systems for the purpose of rendering it safe for
11 human consumption.

12 (i) "Community water system" means a public water system
13 that serves at least 15 service connections used by yearlong
14 residents or regularly serves at least 25 yearlong residents of the
15 area served by the system.

16 (j) "Noncommunity water system" means a public water
17 system that is not a community water system.

18 (k) "Nontransient noncommunity water system" means a
19 public water system that is not a community water system and
20 that regularly serves at least 25 of the same persons over 6
21 months per year.

22 (l) "Local health officer" means a local health officer
23 appointed pursuant to Section 101000 or a local comprehensive
24 health agency designated by the board of supervisors pursuant to
25 Section 101275 to carry out the drinking water program.

26 (m) "Significant rise in the bacterial count of water" means a
27 rise in the bacterial count of water that the department
28 determines, by regulation, represents an immediate danger to the
29 health of water users.

30 (n) "State small water system" means a system for the
31 provision of piped water to the public for human consumption
32 that serves at least five, but not more than 14, service connections
33 and does not regularly serve drinking water to more than an
34 average of 25 individuals daily for more than 60 days out of the
35 year.

36 (o) "Transient noncommunity water system" means a
37 noncommunity water system that does not regularly serve at least
38 25 of the same persons over six months per year.

1 ~~(p) “User” means any person using water for domestic~~
2 ~~purposes. User does not include any person processing, selling,~~
3 ~~or serving water or operating a public water system.~~

4 ~~(q) “Waterworks standards” means regulations adopted by the~~
5 ~~department that take cognizance of the latest available~~
6 ~~“Standards of Minimum Requirements for Safe Practice in the~~
7 ~~Production and Delivery of Water for Domestic Use” adopted by~~
8 ~~the California section of the American Water Works Association.~~

9 ~~(r) “Local primary agency” means any local health officer that~~
10 ~~has applied for and received primary delegation from the~~
11 ~~department pursuant to Section 116330.~~

12 ~~(s) “Service connection” means the point of connection~~
13 ~~between the customer’s piping or constructed conveyance, and~~
14 ~~the water system’s meter, service pipe, or constructed~~
15 ~~conveyance. A connection to a system that delivers water by a~~
16 ~~constructed conveyance other than a pipe shall not be considered~~
17 ~~a connection in determining if the system is a public water~~
18 ~~system if any of the following apply:~~

19 ~~(1) The water is used exclusively for purposes other than~~
20 ~~residential uses, consisting of drinking, bathing, and cooking or~~
21 ~~other similar uses.~~

22 ~~(2) The department determines that alternative water to~~
23 ~~achieve the equivalent level of public health protection provided~~
24 ~~by the applicable primary drinking water regulation is provided~~
25 ~~for residential or similar uses for drinking and cooking.~~

26 ~~(3) The department determines that the water provided for~~
27 ~~residential or similar uses for drinking, cooking, and bathing is~~
28 ~~centrally treated or treated at the point of entry by the provider, a~~
29 ~~passthrough entity, or the user to achieve the equivalent level of~~
30 ~~protection provided by the applicable primary drinking water~~
31 ~~regulations.~~

32 ~~(t) “Resident” means a person who physically occupies,~~
33 ~~whether by ownership, rental, lease or other means, the same~~
34 ~~dwelling for at least 60 days of the year.~~

35 ~~(u) “Water treatment operator” means a person who has met~~
36 ~~the requirements for a specific water treatment operator grade~~
37 ~~pursuant to Section 106875.~~

38 ~~(v) “Water treatment operator-in-training” means a person~~
39 ~~who has applied for and passed the written examination given by~~
40 ~~the department but does not yet meet the experience requirements~~

1 for a specific water treatment operator grade pursuant to Section
2 106875.

3 (w) “Water distribution operator” means a person who has met
4 the requirements for a specific water distribution operator grade
5 pursuant to Section 106875.

6 (x) “Water treatment plant” means a group or assemblage of
7 structures, equipment, and processes that treat, blend, or
8 condition the water supply of a public water system for the
9 purpose of meeting primary drinking water standards.

10 (y) “Water distribution system” means any combination of
11 pipes, tanks, pumps, and other physical features that deliver
12 water from the source or water treatment plant to the consumer.

13 (z) “Public health goal” means a goal established by the Office
14 of Environmental Health Hazard Assessment pursuant to
15 subdivision (c) of Section 116365.

16 SEC. 42. Part 1 (commencing with Section 120099) is added
17 to Division 105 of the Health and Safety Code, to read:

18
19 PART 1. GENERAL PROVISIONS

20
21 120099. For purposes of this division, “department” or “State
22 Department of Health Services” means the State Department of
23 Public Health.

24 SEC. 43. The heading of Part 1 (commencing with Section
25 120100) of Division 105 of the Health and Safety Code is
26 amended and renumbered to read:

27
28 PART 1.5. ADMINISTRATION OF COMMUNICABLE
29 DISEASE PREVENTION AND CONTROL

30
31 SEC. 44. Section 121030 of the Health and Safety Code is
32 amended to read:

33 121030. (a) To the extent Chapter 7 (commencing with
34 Section 120975) and Chapter 10 (commencing with Section
35 121075) apply to records or information that would be covered
36 by this chapter, Chapters 7 and 10 shall supersede this chapter.

37 (b) This chapter supersedes Section 100330 to the extent it
38 applies to records or information covered by Section 100326 or
39 100330.

1 ~~SEC. 45. Section 121090 of the Health and Safety Code is~~
2 ~~amended to read:~~

3 ~~121090. Notwithstanding Section 121080, whether or not the~~
4 ~~research subject, with respect to whom any confidential research~~
5 ~~record is maintained, gives prior written consent, the content of~~
6 ~~the confidential research record may be disclosed in any of the~~
7 ~~following situations:~~

8 ~~(a) To medical personnel to the extent it is necessary to meet a~~
9 ~~bona fide medical emergency of a research subject.~~

10 ~~(b) To the department to the extent necessary for the conduct~~
11 ~~of a special investigation pursuant to Section 100326, in which~~
12 ~~case the confidentiality provisions of Chapter 8 (commencing~~
13 ~~with Section 121025) shall apply.~~

14 ~~SEC. 46. Chapter 1 (commencing with Section 123099) is~~
15 ~~added to Part 1 of Division 106 of the Health and Safety Code, to~~
16 ~~read:~~

17
18 ~~CHAPTER 1. ADMINISTRATION~~
19

20 ~~123099. For purposes of this division, “department” or “State~~
21 ~~Department of Health Services” means the State Department of~~
22 ~~Public Health.~~

23 ~~SEC. 47. The heading of Chapter 1 (commencing with~~
24 ~~Section 123100) of Part 1 of Division 106 of the Health and~~
25 ~~Safety Code is amended and renumbered to read:~~

26
27 ~~CHAPTER 1.5. PATIENT ACCESS TO HEALTH RECORDS~~
28

29 ~~SEC. 48. Division 112 (commencing with Section 131000) is~~
30 ~~added to the Health and Safety Code, to read:~~

31
32 ~~DIVISION 112. PUBLIC HEALTH~~
33

34 ~~PART 1. GENERAL PROVISIONS~~
35

36 ~~CHAPTER 1. DEFINITIONS~~
37

38 ~~131000. As used in this division:~~

39 ~~(a) “Department” means the State Department of Public~~
40 ~~Health.~~

1 (b) “Director” means the State Health Officer.

2
3 CHAPTER 2. GENERAL POWERS
4 OF THE STATE DEPARTMENT OF PUBLIC HEALTH

5
6 Article 1. General Provisions

7
8 131100. — There is in the California Health and Human
9 Services Agency the State Department of Public Health.

10 131105. (a) The department is under the control of an
11 executive officer known as the State Health Officer, who shall be
12 appointed by the Governor, subject to confirmation by the
13 Senate, and hold office at the pleasure of the Governor. The State
14 Health Officer shall be known as the director.

15 (b) Upon recommendation of the director, the Governor may
16 appoint a chief deputy of the department who shall hold office at
17 the pleasure of the Governor. The salary of the chief deputy shall
18 be fixed in accordance with law.

19 (c) The director shall be a physician and surgeon licensed in
20 California pursuant to the provisions of Chapter 5 (commencing
21 with Section 2000) of Division 2 of the Business and Professions
22 Code, and who has substantial scientific, medical, public health,
23 leadership, and management experience.

24 131110. (a) The State Department of Public Health succeeds
25 to, and is vested with, the duties, purposes, responsibilities, and
26 jurisdiction exercised by, the State Department of Health
27 Services, as set forth in Sections 11159 to 11162, inclusive, of
28 the Government Code, with respect to all the following
29 provisions of law:

30 (1) Part 3 (commencing with Section 475) of Division 1.

31 (2) Chapter 3 (commencing with Section 100350) of Part 1 of
32 Division 101.

33 (3) Chapter 4 (commencing with Section 100600) of Part 1 of
34 Division 101.

35 (4) Part 3 (commencing with Section 101000) of Division 101.

36 (5) Division 102 (commencing with Section 102099).

37 (6) Division 103 (commencing with Section 104099).

38 (7) Division 104 (commencing with Section 106499).

39 (8) Division 105 (commencing with Section 120099).

40 (9) Division 106 (commencing with Section 123099).

1 (b) It is the intent of the Legislature that the jurisdiction of the
2 State Department of Public Health also include other programs
3 that are related to public health.

4 131115. The department shall have possession and control of
5 all records, papers, officers, equipment, supplies, moneys, funds,
6 appropriations, land or other property, real or personal, held for
7 the benefit or use of any state agency to the extent that its
8 functions have vested in the department by Section 131110.

9 131120. The department shall have the same rulemaking
10 authority vested in the State Department of Health Services with
11 respect to those programs transferred from that department.

12
13 Article 2. Regulatory Authorization and Review
14

15 131200. (a) The department may adopt and enforce
16 regulations for the execution of its duties.

17 (b) All regulations heretofore adopted by the department or its
18 predecessors relating to public health or any other function
19 performed by the State Department of Health Services, and in
20 effect immediately preceding the date the act adding this division
21 was enacted, shall remain in effect and shall be fully enforceable
22 unless and until readopted, amended, or repealed by the State
23 Health Officer or as otherwise provided by Section 25 or other
24 provisions of law.

25 131205. (a) When a dispute arises as to the interpretation or
26 enforcement of regulations of the department that are being
27 enforced by a city, city and county, county, or district, a request
28 for clarification or interpretation may be submitted to the
29 department. The department shall make a determination of the
30 proper interpretation and required enforcement when so
31 requested by a party to the dispute.

32 (b) In making its determination, the department may conduct a
33 hearing where all interested parties may present relative
34 comments or arguments.

35 (c) Determinations of the department made pursuant to this
36 section shall be transmitted to the concerned local agency and the
37 involved party or parties within 60 days after the receipt of the
38 request. The determination of the department shall be binding
39 upon the local agency and the parties subject to the regulations of

1 the department, except when the matter may be subject to judicial
2 review.

3 ~~131210. (a) Notwithstanding any other provision of law, the~~
4 ~~department by regulation may provide for the issuance and~~
5 ~~renewal on a two-year basis of licenses, certificates of~~
6 ~~registration, or other indicia of authority issued pursuant to this~~
7 ~~code by the department.~~

8 ~~(b) The department may by regulation set the fee for the~~
9 ~~two-year license, certificate of registration, or other indicia, not~~
10 ~~to exceed twice the annual fee for issuance or renewal set by~~
11 ~~statute.~~

12 ~~Article 3. State Laboratories~~

13
14
15 ~~131250. The department shall maintain a laboratory and~~
16 ~~branch laboratories as may be necessary to perform the~~
17 ~~microbiological, physical, and chemical analyses required to~~
18 ~~meet the responsibilities of the department.~~

19 ~~131255. The department may prepare or purchase biological~~
20 ~~products and distribute them at cost.~~

21 ~~CHAPTER 3. DIVISION OF RURAL HEALTH~~

22
23
24 ~~131300. There is in the department a Division of Rural~~
25 ~~Health. The division shall administer Chapter 3 (commencing~~
26 ~~with Section 124550) and Chapter 4 (commencing with Section~~
27 ~~124575) of Part 4 of Division 106, Section 101300, and Article 1~~
28 ~~(commencing with Section 124600) of Chapter 5 of Part 4 of~~
29 ~~Division 106.~~

30 ~~CHAPTER 4. OFFICE OF AIDS~~

31
32
33 ~~131325. The Legislature finds and declares all of the~~
34 ~~following:~~

35 ~~(a) The AIDS pandemic continues to devastate California.~~
36 ~~Over 44,000 Californians have died of AIDS since 1981, and it is~~
37 ~~estimated that one out of every 200 Californians is infected with~~
38 ~~HIV, the virus believed to cause AIDS. Education remains the~~
39 ~~best tool to prevent the ongoing spread of HIV.~~

1 ~~(b) The seroprevalence rate of HIV-infected persons is~~
2 ~~increasing dramatically in some groups. The incidence rate~~
3 ~~among women, people of color, at-risk youth, substance abusers,~~
4 ~~rural residents, and their sexual partners is increasing, as is the~~
5 ~~rate of infection among gay and bisexual men, especially in~~
6 ~~urban areas. It is clear that targeted financial resources must be~~
7 ~~directed to conduct effective HIV education and risk reduction.~~

8 ~~(c) Many AIDS service providers, community-based~~
9 ~~organizations, and other advocacy groups lack the technical~~
10 ~~assistance necessary for them to access public and private grant~~
11 ~~moneys to serve their clients.~~

12 ~~(d) In addition to prevention education efforts, there are~~
13 ~~additional unmet financial needs in the war against HIV infection~~
14 ~~and AIDS. These unmet needs include, but are not limited to,~~
15 ~~care and treatment of those with HIV, expanded medical and~~
16 ~~social behavioral research, funding for HIV antibody testing at~~
17 ~~both anonymous and confidential test sites throughout California,~~
18 ~~housing and financial assistance for those with HIV and their~~
19 ~~families, and mental health programs for people with HIV and~~
20 ~~those at risk for contracting AIDS.~~

21 ~~(e) Numerous state agencies and departments conduct~~
22 ~~HIV-related programs, including the State Department of Health~~
23 ~~Services, the State Department of Social Services, the~~
24 ~~Department of Corrections, the State Department of Alcohol and~~
25 ~~Drug Programs, the State Department of Education, the State~~
26 ~~Department of Mental Health, the Department of the Youth~~
27 ~~Authority, and the University of California. Coordination of the~~
28 ~~various state funded programs will enhance the service delivery~~
29 ~~of HIV-related programs to Californians in need.~~

30 ~~(f) An evaluation of state prevention and education efforts was~~
31 ~~conducted by the Institute for Health Policy Studies at the~~
32 ~~University of California, San Francisco and published in March~~
33 ~~of 1993. This report, entitled "HIV Prevention in California,"~~
34 ~~noted both positive achievements of state-run programs as well~~
35 ~~as opportunities for improvement. Among the primary~~
36 ~~recommendations of the study was the need to legislatively~~
37 ~~identify the Office of AIDS in the state department responsible~~
38 ~~for public health issues as the lead agency on HIV and AIDS to~~
39 ~~ensure the goal of state program coordination.~~

1 ~~131330. There is in the State Department of Public Health an~~
2 ~~Office of AIDS. The State Department of Public Health, Office~~
3 ~~of AIDS, shall be the lead agency within the state responsible for~~
4 ~~coordinating state programs, services, and activities relating to~~
5 ~~the human immunodeficiency virus (HIV), acquired immune~~
6 ~~deficiency syndrome (AIDS), and AIDS-related conditions~~
7 ~~(ARC). Among its responsibilities, the State Department of~~
8 ~~Public Health, Office of AIDS, shall coordinate Sections 120875;~~
9 ~~Section 120880, Chapter 2 (commencing with Section 120800);~~
10 ~~Chapter 4 (commencing with Section 120900), Chapter 6~~
11 ~~(commencing with Section 120950), Chapter 8 (commencing~~
12 ~~with Section 121025), Chapter 9 (commencing with Section~~
13 ~~121050), Chapter 10 (commencing with Section 121075);~~
14 ~~Chapter 11 (commencing with Section 121150), Chapter 12~~
15 ~~(commencing with Section 121200), Chapter 13 (commencing~~
16 ~~with Section 121250), and Chapter 14 (commencing with Section~~
17 ~~121300), of Part 4 of Division 105. Any reference in those~~
18 ~~provisions to the State Department of Public Health shall be~~
19 ~~deemed a reference to the Office of AIDS.~~

20
21 ~~CHAPTER 5. PUBLIC NUISANCE~~
22

23 ~~131350. (a) The department may commence and maintain all~~
24 ~~proper and necessary actions and proceedings for any or all of the~~
25 ~~following purposes:~~

26 ~~(1) To enforce its regulations.~~
27 ~~(2) To enjoin and abate nuisances dangerous to health.~~
28 ~~(3) To compel the performance of any act specifically~~
29 ~~enjoined upon any person, officer, or board, by any law of this~~
30 ~~state relating to the public health.~~

31 ~~(4) To protect and preserve the public health.~~
32 ~~(b) The department may defend all actions and proceedings~~
33 ~~involving its powers and duties. In all actions and proceedings it~~
34 ~~shall sue and be sued under the name of the department.~~

35 ~~131355. The department may abate public nuisances.~~

36 ~~131360. The department may advise all local health~~
37 ~~authorities, and, when in its judgment the public health is~~
38 ~~menaced, it shall control and regulate their action.~~

39 ~~131365. Every person charged with the performance of any~~
40 ~~duty under the laws of this state relating to the preservation of the~~

1 public health, who willfully neglects or refuses to perform the
2 same, is guilty of a misdemeanor.

3 131370. (a) The department may perform any of the
4 following activities relating to the protection, preservation, and
5 advancement of public health:

6 (1) Studies.

7 (2) Demonstrations of innovative methods.

8 (3) Evaluations of existing projects.

9 (4) Provision of training programs.

10 (5) Dissemination of information.

11 (b) In performing an activity specified in subdivision (a), the
12 department may do any of the following:

13 (1) Perform the activity directly.

14 (2) Enter into contracts, cooperative agreements, or other
15 agreements for the performance of the activity.

16 (3) Apply for and receive grants for the performance of the
17 activity.

18 (4) Award grants for the performance of the activity.

19 131375. The department may provide for consultant and
20 advisory services and for the training of technical and
21 professional personnel in educational institutions and field
22 training centers approved by the department, and for the
23 establishment and maintenance of field training centers in local
24 health departments and in the department.

25
26 CHAPTER 6. FOOD AND WATER SAFETY

27
28 131400. The department shall cause special investigation of
29 the preparation and sale of drugs and food and their adulteration.

30 131405. The department shall perform duties as required by
31 law for the detection and prevention of the adulteration of articles
32 used for food and drink, and for the punishment of persons guilty
33 of violation of any law providing against their adulteration.

34 131410. The department shall examine and may prevent the
35 pollution of sources of public domestic water and ice supply.

36 131415. The department shall maintain a program of
37 Drinking Water and Environmental Management.

CHAPTER 7. FOOD AND DRUG ENFORCEMENT

~~131500. The department shall enforce Section 383b of the Penal Code.~~

~~131505. (a) Any person who willfully sells, keeps for sale, or offers for sale any food, drug, device, or cosmetic knowing, after a written notice from either (1) a manufacturer, wholesaler, distributor, or importer, or (2) the department or a local health officer that the product linked to an outbreak of illness, injury, or product tampering is being ordered removed from sale by the department pursuant to Section 100180, shall, upon conviction, be punished by a fine of not less than two thousand dollars (\$2,000) nor more than ten thousand dollars (\$10,000) for each day of violation, or by imprisonment in the county jail for not more than one year, or by both a fine and imprisonment.~~

~~(b) If a second or subsequent violation is committed after a previous conviction under this section has become final, the person shall be punished by a fine of not less than five thousand dollars (\$5,000) nor more than twenty-five thousand dollars (\$25,000) for each day of violation, or by imprisonment in the state prison, or by both a fine and imprisonment.~~

~~(c) Notwithstanding any other provision of law, the court may suspend the minimum fines provided for in this section if it determines that there are circumstances in mitigation and the court states on the record its reasons for suspending the minimum fine.~~

~~131510. (a) Whenever any person violates any provision of Section 131505, the court may, as a condition of probation, order the defendant to pay, in lieu of any fine, any expenses, both direct and indirect, incurred by a local health department or the department in monitoring compliance with the order pursuant to Section 131360, including, but not limited to, the costs of conducting inspections and imposing embargoes. The total costs payable to the department and local health departments collectively imposed pursuant to this section shall not exceed the maximum fine for the offense of which the defendant is convicted.~~

~~(b) Any amount collected under this section shall be paid to the local health department incurring the expenses or, if to reimburse costs of the department, into the General Fund.~~

~~CHAPTER 8. LOCAL HEALTH DEPARTMENT FUNDING~~

~~131560. (a) Within 60 days of enactment of the Budget Act, the department shall advance to a local health department 25 percent of the annual General Fund allocation, subvention, or reimbursement required by a local health department for the delivery of services specified in subdivision (b). In determining the dollar amount of the 25 percent allocation, subvention, or reimbursement, the department shall use the local health department's prior year's or the most recently completed fiscal year's allocation.~~

~~(b) Subdivision (a) shall apply to the following health programs and General Fund funding sources:~~

~~(1) Funding for administration for the California Children's Services Program (Article 5 (commencing with Section 123800) of Chapter 3 of Part 2 of Division 106).~~

~~(2) Funding for medical therapy for the California Children's Services Program (Article 5 (commencing with Section 123800) of Chapter 3 of Part 2 of Division 106).~~

~~(3) Funding for administration for the Child Health and Disability Prevention Program (Article 6 (commencing with Section 124025) of Chapter 3 of Part 2 of Division 106).~~

~~(4) Funding for HIV education and prevention services under Section 131330.~~

~~(c) This section shall not apply to a local health department that is three or more quarters in arrears in billing the state for the programs specified in subdivision (b).~~

~~(d) For purposes of this section, "local health department" has the same meaning as that set forth in Section 101185.~~

~~CHAPTER 9. CALIFORNIA
CONFERENCE OF LOCAL HEALTH OFFICERS~~

~~131570. (a) There is hereby established a California Conference of Local Health Officers. The department shall consult with the conference in establishing standards as provided in this part and may consult on other matters affecting health. The conference may consult with, advise, and make recommendations to the department, other departments, boards, commissions, and officials of federal, state, and local~~

1 government, the Legislature, and any other organization or
2 association on matters affecting health. The conference shall
3 consist of all legally appointed local health officers in the state. It
4 shall organize, adopt bylaws, and annually elect officers.

5 (b) Actual and necessary expenses, including any necessary
6 registration fee, incident to attendance at not more than two
7 meetings per year of the conference shall be a legal charge
8 against the local governmental unit. Actual and necessary
9 expenses incident to attendance at special meetings of the
10 committees of the conference called by the director shall be a
11 legal charge against any funds available for administration of this
12 part, Section 131585, Chapter 3 (commencing with Section
13 101175) of Part 3, and Part 3 (commencing with Section 124300)
14 of Division 106.

15 131575. The department shall administer this chapter, Section
16 131585, Chapter 3 (commencing with Section 101175) of Part 3
17 of Division 101, and Part 3 (commencing with Section 124300)
18 of Division 106 and shall adopt necessary regulations. These
19 regulations shall be adopted only after consultation with and
20 approval by the California Conference of Local Health Officers.
21 Approval of these regulations shall be by majority vote of those
22 present at an official session.

23 131580. Notwithstanding any other provision of law, the
24 department shall submit all of its regulations on matters related to
25 statutory responsibilities delegated to or enforced by local health
26 departments, except emergency regulations, to the California
27 Conference of Local Health Officers for review and comment
28 prior to adoption. If the department deems it appropriate to
29 implement the proposed regulations or parts thereof, contrary to
30 the recommendations of the conference, the department shall
31 make a public finding summarizing the reasons for acting
32 contrary to these recommendations.

33 131585. The department, after consultation with and approval
34 by the Conference of Local Health Officers, shall by regulation
35 establish standards of education and experience for professional
36 and technical personnel employed in local health departments
37 and for the organization and operation of the local health
38 departments. These standards may include standards for the
39 maintenance of records of services, finances, and expenditures

1 that shall be reported to the director in a manner and at times as
2 the director may specify.

3 ~~131590. Nothing in this chapter, Section 131585, Chapter 3~~
4 ~~(commencing with Section 101175) of Part 3 of Division 101,~~
5 ~~and Part 3 (commencing with Section 124300) of Division 106 or~~
6 ~~in any regulation prescribed by the department in accordance~~
7 ~~herewith shall compel any practitioner who treats the sick by~~
8 ~~prayer in the practice of the religion of any well-recognized~~
9 ~~church, sect, denomination, or organization or any persons~~
10 ~~covered by Sections 2731 and 2800 of the Business and~~
11 ~~Professions Code to give any information about a disease or~~
12 ~~disability that is not infectious, contagious, or communicable or~~
13 ~~authorize any compulsory education, medical examination, or~~
14 ~~medical treatment.~~

15 ~~SEC. 49. Section 24000.5 is added to the Welfare and~~
16 ~~Institutions Code, to read:~~

17 ~~24000.5. Notwithstanding subdivision (b) of Section 24001,~~
18 ~~for purposes of this division, “department” means the State~~
19 ~~Department of Public Health.~~

20 ~~SEC. 50. Sections 2 to 49, inclusive, of this act shall become~~
21 ~~operative on July 1, 2007.~~

22
23
24 CORRECTIONS:

25 Text — Pages 20 & 41.
26